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A HISTORY
OF THE
LATE PROVINCE
OF
LOWER CANADA,

PARLIAMENTARY AND POLITICAL,

From the commencement to the close of its existence as a
separate Province;

EMBRACING A PERIOD OF FIFTY YEARS,

THAT IS TO SAY: FROM THE ERECTION OF THE PROVINCE, IN 1791,
TO THE EXTINGUISHMENT THEREOF, IN 1841, AND ITS REUNION
WITH UPPER CANADA, BY ACT OF THE IMPERIAL PARLIAMENT.

BY ROBERT CHRISTIE.

Hector L. Langevin,
IN FIVE VOLUMES.

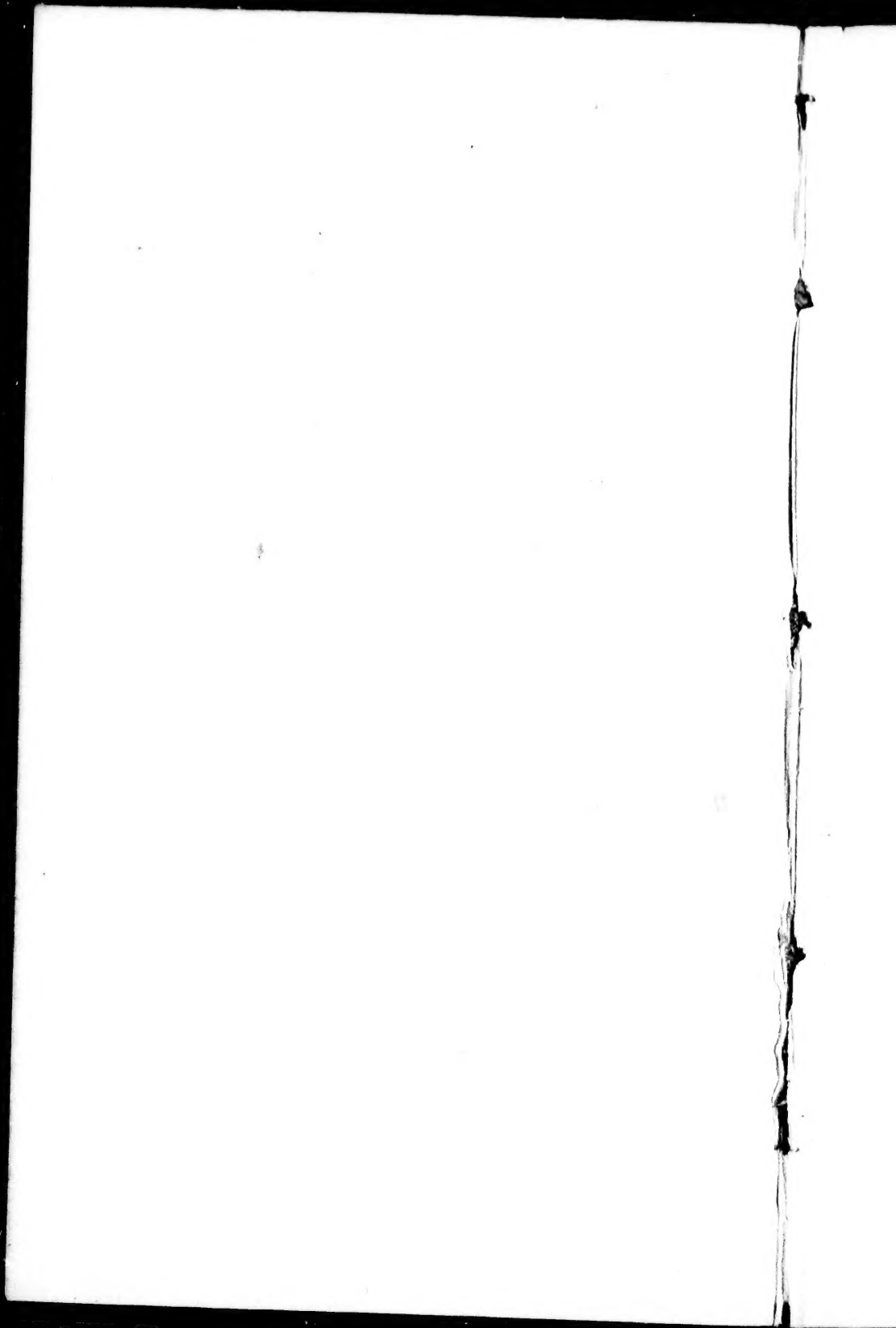
VOL. IV.

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1853.



NOTICE

It was originally my intention that this compilation should consist of only three volumes, but here, however, is the *fourth*, which, notwithstanding every desire to compress the whole matter into the smallest possible space and to close the undertaking, only reaches to the autumn of 1837, including the affairs of St. Denis, St. Charles, and Moore's Corner, extinguishing the Rebellion, of that year, South of the St. Lawrence. That of St. Eustache, with its incidents, and the events of the three following years, with a copious Appendix of very interesting papers, for the most part not hitherto published, will constitute the fifth and final volume. The number and length of the various parliamentary, official, and other public documents and records, necessary to the right and full understanding of affairs, and which, as such, could not with propriety be omitted, have distended the work to its present overgrown bulk. I am very sensible that the perusal of a large portion of it will be found dry and heavy, if not absolutely a penance, to the reader who will have the courage to undertake it, and consequently little relished by most readers, particularly those already acquainted with the matters related. But it is to be remembered always, that the principal object of this work is

rather to record, for future information, the various and important sayings and doings, parliamentary and political, that have taken place in Lower Canada (with Upper Canada it has nothing to do,) during the fifty years of its political existence, a Repertory, in fact, that may be referred to and consulted by those who, following us, shall take an interest in these our times, and desire clearly to understand and ascertain to a certainty what, "in our day and generation," we have been (quarrelling?) about, than for the gratification or amusement of the present actors in the political drama, or of the lookers-on.

R. C.

Quebec, February, 1853.

A HISTORY OF THE LATE PROVINCE OF LOWER CANADA.

CHAPTER XXXV.

Mr. Roebuck moves in the House of Commons for an enquiry into Canada matters—his motion superseded by the Colonial Minister's, and select committee appointed to inquire, &c.—report—menacing language of the French press and *Vindicator* in alliance with it—organization in accordance therewith, and uneasiness of the British population in consequence—loyal address to the King from Montreal, forwarded through the Governor—his answer to the deputation—address to the King from Quebec—central and permanent committee of delegates sit at Montreal as a "convention"—report of their proceedings—another similar to it formed at Quebec—Parliament expires and general elections in consequence—Constitutional Association formed at Quebec—another at Montreal—"declaration" issued by that of Quebec—address of the constitutionals at Montreal—advance of £31,000 by home government to relieve the officials—Corporation of Quebec, on the eve of the new year, resolve not to visit the Governor—Asiatic cholera—new Parliament meets—speech, &c.—address to the King and both Houses on the state of the Province—Assembly short of funds—address the Governor—answer—resolution thereupon—Government transmits certain communications from the Colonial Minister, Mr. Spring Rice—public accounts and estimates sent down, but wholly disregarded—Governor's further answer to the Assembly relative to their address for £18,000 to cover contingencies—Assembly prorogued—Mr. Jessopp, collector of customs, committed—bill naming Mr. Roebuck agent, rejected by the Legislative Council—Constitutional Associations active—petitions to the King and two Houses of Parliament agreed upon—Mr. John Neilson of Quebec and Mr. Walker of Montreal, deputed as the bearers—Corporation of Quebec desire to wait upon the Governor—His Excellency declines their visit—debate in House of Commons on Canada affairs—it is determined that Commissioners shall be appointed to proceed to this Province and investigate them—documents in the Official Quebec Gazette—Lord Aylmer's recall announced—public addresses to him—Lord Gosford's arrival, accompanied by Sir Charles Grey and Sir George Gipps—Lord Aylmer's departure—monument erected at his expense to the memory of Wolfe on the spot where he fell.

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Chap. xxxv. THERE was now in petitions and complaints from Canada to the government at home matter to engage again the attention of the Imperial Parliament, and to it, accordingly, the petitions were referred.

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On the 15th April, Mr. Roebuck moved in the House of Commons for "the appointment of a committee to enquire into the means of remedying the evils which exist in the form of the government now existing in Upper and Lower Canada." This however, he withdrew, on a motion in amendment by Mr. Stanley, the Colonial Minister, for "a select committee to enquire into and report to the House how far the grievances complained of in the year 1828, on the part of certain inhabitants of Lower Canada have been redressed, and the recommendations of the committee of this House which sat thereupon have been complied with on the part of His Majesty's Government; and to inquire into the matter of certain other grievances not then brought under the consideration of this House, but now set forth in resolutions of the House of Assembly of Lower Canada in the present session, and to report their opinion thereon to the House."

Mr. Secretary Stanley, in handing in to the Speaker the names of those whom he intended should constitute his committee, observed that he had included the names of the gentlemen who, being members of the House in 1828, had been of the Canada Committee. Mr. Hume's name having been included, he begged it might be withdrawn, being already on several committees requiring his whole attention, and his request was granted.* To this committee

* The committee consisted of: Mr. Secretary Stanley, Mr. Roebuck, Mr. F. Lewis, Mr. W. Wynne, Mr. E. Dennison, Mr. Lock, Mr. Fazakerly, Lord Landon, Mr. Labouchere, Sir J. Graham, Mr. Goulburn, Lord Howick, Mr. A. Baring, Mr. Ellice, Mr. E. Stewart, Mr. Oliphant, Mr. Robinson, Mr. O'Connell, Mr. R. Grant, Sir M. Ridley, Mr. B. Carter, Sir H. Hardinge, Mr. H. L. Bulwer, Mr.

the various petitions and documents relating to Canadian grievances were referred. They accordingly went to work with the same attention and assiduity that had characterised the former committee, examining several persons then in England from Canada, calling also for the official correspondence between the home and colonial governments. After an attentive investigation, the committee reported on the 3d of July, as follows:—

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“The select committee have, pursuant to the order of the House, examined the matters to them referred and agreed to the following report:—

“Your committee have taken into their serious consideration the matters referred to them on the subject of the affairs of Lower Canada.

“Your committee have examined several witnesses on these matters. They have also considered attentively the despatches and letters which have passed between the Colonial Office and the Governor of the Province since the year 1828, which correspondence has been laid before them without the least reserve.

“Your committee considered it their duty to declare their opinion, that a most earnest anxiety has existed on the part of the home government to carry into execution the suggestions of the select committee of 1828; and that the endeavours of the government to that end have been unremitting, and guided by the desire, in all cases, to promote the interests of the colony; and your committee have observed with much satisfaction, that in several important particulars their endeavours have been successful. It is, however, with deep regret that your committee perceive that in others they have not been attended with that success which might have been anticipated; heats and animosities having unfortunately

Warre, Sir C. Grey, Mr. Warburton, Mr. P. Stewart, and Mr. Romilly. Power to send for persons, papers and records: five to be the quorum.

Chap. arisen, and differences continuing to prevail between
 xxxv. the branches of the Colonial Legislature, as well as
 1834. between the House of Assembly and His Majesty's
 government; those unhappy differences appear to
 your committee no less calculated to check the pro-
 gress of improvement in one of the most important
 of our colonial possessions, than to effect most inju-
 riously the interest of the British empire.

"Your committee believe that they will best dis-
 charge their duty by withholding any further opinion
 on the points still in dispute.

"It has appeared to them that some mutual mis-
 conceptions have prevailed, and when your com-
 mittee consider the extreme importance that a per-
 fect reconciliation of these differences should take
 place, they express their earnest hope that these
 misconceptions being removed, many of the present
 difficulties will no longer exist, or will be amicably
 adjusted.

"Your committee are also induced to take this
 course, by their persuasion that the practical mea-
 sures for the future administration of Lower Canada
 may best be left to the mature consideration of the
 government, responsible for their adoption and exe-
 cution.

"Your committee are of opinion that it would not
 be expedient to apply for power to lay before the
 House the evidence of the witnesses examined, or the
 documents which have been laid before them."

In the meantime, the spirit abroad corresponded
 to that in the Assembly, notwithstanding the opinion
 to the contrary expressed by Lord Aylmer at the
 prorogation. The French press and the *Vindicator*,
 an English paper at Montreal, co-operating with it,
 assumed a menacing and revolutionary tone, alarm-
 ing to the whole British population of the Province,
 who, seeing the Canadians of French origin every-
 where organising themselves for purposes evidently

hostile to the government, began to think it time to bestir and place themselves in an attitude suited to the approaching crisis. A loyal address to the King, very numerously signed, was prepared at Montreal. This was forwarded through Lord Aylmer, on whom a deputation of inhabitants of that city waited, with an address requesting him to transmit it: "We have been deputed," said they, "on the part of a large portion of the inhabitants of Montreal and its vicinity, to present to your lordship their petition to His Majesty in opposition to the spirit and tendency of the ninety-two resolutions adopted by a majority of the House of Assembly, and respectfully to request that you will be pleased to cause the same to be laid at the foot of the Throne.

"We beg to assure Your Excellency, from our own knowledge with respect to the town, and the declarations of respectable individuals in the country, and from other testimonials, that the signatures affixed to this petition are those of persons of respectability, and almost, without exception, of mature age—in corroboration of which we beg leave to refer Your Excellency to one sheet, containing upwards of four hundred signatures of French Canadians, certified by a public notary to be those of so many landholders in the parish of St. Martin alone.

"Those whom we have the honor to represent have throughout disdained the subterfuges and artifices by which the opposite party are swelling the signatures to their petition in approbation of the ninety-two resolutions, by subscribing the names of infants, and of adults, misled into the belief that they were merely signing a declaration of their satisfaction with their present condition.

"We feel assured that Your Excellency will be gratified to learn that so large a portion of the respectable part of the community have, in so many sections of the country, re-echoed the sentiments of

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Chap. Your Excellency in regard to the resolutions in
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“ We beg that Your Excellency will be pleased to accept the assurances of our profound respect and consideration.” To this he replied:

“ Gentlemen,—The numbers, but more especially the respectability of the individuals who are subscribers to the Address to the King, which you have placed in my hands, invest it with a character of importance, which affords me an opportunity of departing in some degree from the brief form of answer usual on similar occasions, in making a few observations upon topics of much local interest at the present moment, and I am the more desirous of availing myself of this opportunity of doing so, because of the restraints imposed upon the head of the Executive Government by his official situation, which, by circumscribing the occasions wherein he can make known his own views of the affairs of the Province, expose his public acts to daily misrepresentation.

“ In the first place I will say a few words regarding the complaints which have been so frequently urged upon the consideration of His Majesty’s Government, of the partial and unjust distribution (as it is alleged) of the honors and employments at the disposal of the Crown, in favor of one particular class of His Majesty’s subjects in this Province. I am persuaded that the ground of these complaints, and the mode by which its removal is sought for, (admitting for a moment its existence,) have not been duly considered.

“ If it be desirable that a rule should be established for distributing the honors and employments at the disposal of the Crown amongst the King’s subjects in this Province, of different origin, according to their relative numbers, it becomes a matter for consideration in what manner this object is to be

accomplished. Is it proposed to separate and divide into classes, the inhabitants of English, French, Scotch, Irish and American birth or origin, and in like manner to parcel out into shares proportioned to their respective numbers, all those honors and employments, assigning to each class its due proportion?—or is it proposed that successively as employments in the various departments of the Administration become disposable, they shall be conferred on individuals of the several classes in rotation, thereby establishing a species of lottery of the favors and distinctions of Government?

“In giving effect to the principle of distribution above mentioned, the necessary calculations for ascertaining the numbers in each class must undergo frequent revisions, with reference to the constant changes going forward in the component parts of the population of the Province, from the effects of emigration and other circumstances.—These, and other details, would inevitably give rise to further complaints and jealousies; but what is more than all to be deprecated, the principle above mentioned directly tends to keep alive, and perpetuate those very distinctions of national origin which have been complained of, and of which the traces cannot, for the tranquillity and prosperity of the Province, be too speedily or too effectually obliterated.

“It is not in the light in which I have placed this subject that I understand the liberal intentions of His Majesty’s Government; but rather, that the most rigid impartiality shall be observed in distributing the honors and employments at the disposal of the Crown, and, that without reference to national origin, he who shall be considered the best qualified for employment, or the most deserving of honors shall be the individual preferred.

“This, as I understand it, is the principle upon which it is intended that His Majesty’s Represen-

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Chap. tative in the Province should govern his proceedings,
 XXXV. —a departure from it in favor of any particular
 1854. class can alone constitute a just ground of complaint and can reasonably be urged in any quarter.

“ In connexion with what has just been observed in regard to national origin, I cannot forbear taking notice in this place, of the practice of a certain party in the Province of readily applying the name of Canadian to the descendants of individuals of any, no matter what foreign nation, established here; whilst the name of foreigner appears to be by them exclusively reserved for His Majesty’s subjects born in the United Kingdom, and their descendants.

“ To be addressed as a foreigner, whilst treading the soil of a British Colony, must indeed sound strangely in the ears of Englishmen. In this Province perhaps, the misapplication of the term may be ascribed in most instances to the circumstance of the majority of the actual inhabitants being of a different origin; but wherever it shall clearly and manifestly appear to be the result of prejudice and political hostility, those who so make use of the term should be emphatically told, that in every quarter of the globe where the British flag waves over his head, an Englishman is always at home.

“ Unfortunately for the true interests of this Province the efforts of the party to which I have alluded have been but too successful in imposing upon the good faith of a large proportion. I feel assured, however, that a full exposure of their artifices is at hand, and that a light is rapidly breaking in upon the minds of those who have been so deceived, which will enable them to distinguish between their friends and their enemies—they will then discover amongst other things the extent to which their confidence has been abused; and that whilst encouragement to interfere in the internal affairs of the Province, incompatible with the allegiance due to

His Majesty by his Canadian subjects, has been held out in their name to a neighboring foreign nation, where that encouragement has been regarded only with mingled scorn and derision, representations have been conveyed to the Mother Country eminently calculated to create doubt in the minds of those who are unacquainted with the true character of the Canadians, of their loyalty and good sense.

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“ It is for them, the Canadians, of every class and origin, to protect their character as British subjects by means within their own reach, against the imputations to which it has been exposed in foreign nations, and at the seat of the British Empire, by those who pretend to be the organs of their sentiments. For myself, I think it necessary here to observe that I have attentively watched the headlong course pursued by the party to which I have just alluded. I could entertain no doubt as to its object ; but confidently relying upon the tried loyalty of His Majesty’s Canadian subjects, I abstained from making any attempt to arrest its progress, in the firm conviction, derived from the knowledge I had acquired of that party, that if left to themselves, their own acts would sooner or later sink them to their true level of insignificance, from which a combination of fortuitous circumstances had raised them for a time, and to which they are now rapidly descending.

“ In giving effect to my own views on this subject, I have had many difficulties to encounter. My public character and conduct have been assailed on all sides, and with every variety of insult that language can convey—from vulgar, low-bred impertinence, to the grossest and most virulent invective ; but hitherto without having produced the slightest deviation from the course I prescribed to myself at the commencement of my administration of the government of this Province ; and I will now

Chap. venture to affirm, that at the close of that adminis-
 xxxv. tration, come when it may, I shall be found as free
 1834. from the influence of party spirit, as when I first
 landed on the shores of Canada.

"I must again advert to the departure from ordinary forms into which I have suffered myself to be drawn upon the present occasion. I am far from being disposed to establish it as a precedent; but on the contrary, I desire it may be understood only as the consequence of the extraordinary state into which the affairs of the Province have been thrown by recent events.

"I will now conclude by assuring you that I shall have much satisfaction in complying with your desire, by transmitting your address to the King, to His Majesty's Principal Secretary of State for the Colonial Department, for the purpose of being laid at the foot of the Throne."

Addresses from Quebec were in like manner forwarded to the King, expressive of loyalty and attachment to His Majesty's person and government. In Montreal, an organisation took place pursuant to the ninety-two resolutions. A central and permanent committee of delegates from different parts of the district sat in that city on the 4th September, a report of the proceedings whereof, headed, "THE CONVENTION," was published immediately after in the *Vindicator*, as follows:—

"Yesterday, according to notice previously given in the public papers, the general and permanent Committee of the District of Montreal assembled in this city, to consider the several important matters which occurred connected with the political affairs of this Province since their last meeting in July.

"The quantity of business, therefore, before the Committee was more than usually great, and the attendance was unusually full. At an early hour the several Delegates from the different parts of the

district made their appearance in town. At twelve o'clock the meeting was organized, and

JOSEPH ROY, Esq., President, took the Chair.

LOUIS COURSOLLES, Esq., Delegate from the County of Two Mountains, Vice-President.

C. OV. PERRAULT, } Secretaries.
DR. O'CALLAGHAN, }

"On motion of J. N. Cardinal, Esq., Delegate for Laprairie County, seconded by Mr. Vincent, Longueuil, it was

"1st. *Resolved*, That this meeting having taken the Report of the Committee of the House of Commons, of the 3rd July last, on the affairs of this Province, into mature consideration, are of opinion, that although that document has been drawn up in a vague and general style, yet they hope for Reform, inasmuch as it seems to have been agreed to by the Committee under a knowledge of the liberal policy entertained and professed by Mr. Spring Rice; and because the Committee considered it of extreme importance that a perfect reconciliation of existing differences should take place, and expressed their earnest hope that the misconceptions occasioning them may be removed under the mature care of the present Colonial Secretary, the responsible officer for the adoption of practical measures for the future better government of this Province.

"On motion of the same, seconded by Dr. Valois :

"2nd. *Resolved*, That inasmuch as the various grievances of which the country complains arise from an imperfect and vicious Colonial system which does not afford any means within itself of preventing or checking political abuses, or of bringing to an account and punishing public delinquents, there exists no guarantee against the recurrence of those grievances unless the said system be so far modified as to render the local authorities responsible for their acts to the people of this Province, and by the ex-

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1834. tension of Elective Institutions furnish the country with the means of peaceably removing from office such of the Legislative and other functionaries as may have justly forfeited public confidence.

“ On motion of the same, seconded by Dr. Lacroix :

“ 3rd. *Resolved*, Therefore, that however well inclined to confide in the professions of the present Secretary of State for the Colonies, (to which confidence he is to a certain degree entitled by his early abandonment of Mr. Stanley’s threatened usurpation of the right in the British Parliament to tax the Colonies, and by the advices which the Committee have received from Messrs. Roebuck, Viger, Morin, and other friends of this country), yet this meeting cannot honestly perform the duty it owes its constituents without frankly and publicly declaring that no measure of reform can produce permanent satisfaction, nor remove the existing “ misconceptions ” and “ difficulties ” unless it is based upon the recommendations contained in the petition of the House of Assembly, lately presented to the House of Commons, praying for an extension of the Elective principle in the Government of this Province.

“ On motion of the same, seconded by — Masson, Esquire :

“ 4th. *Resolved*, That this meeting learns with feelings of profound regret and disappointment that the Committee did not consider it expedient to lay before the House of Commons, the evidence of the witnesses examined, or the documents which have been placed before them, as publicity is the greatest if not the only security to a distant people, against intrigues, jobs, abuse of power and misrepresentations on the part of their colonial rulers frequently sent for the purpose of repairing their broken fortunes, and who, in a spirit of animosity have often been known to have prejudiced His Majesty’s Govern-

ment against the inhabitants of the Colonies ; and that in the present instance in particular, when an almost unanimous people accused the Provincial Administration of high crimes, it was due both to accusers and accused that the evidence and documents aforesaid should not be suppressed.

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“ It was then announced to the Committee that advices had been received since the last meeting conveying the intelligence that the Royal sanction has been given to the bill incorporating the British Land Company, whereupon Mr. Girod, one of the Delegates from the County of Verchères, came forward and stated that he had prepared a series of resolutions condemnatory of the alienation of the public property of this Province to a company of foreign speculators, without the consent, and against the will of the people, whose property the lands in question were, and that he would submit the same with the permission of the meeting.

“ The Resolutions referred to were then read one by one, and severally adopted unanimously. They are as follow :—

“ 1st. *Resolved*, That the Committee whilst persisting in the resolutions which it adopted in its meeting of the second of July last relative to the passing of the act incorporating the Land Company, seizes this opportunity of expressing its deep regret that the said bill has received the Royal sanction.

“ 2nd. *Resolved*, That this meeting cannot consider the interference of the Imperial Parliament in the local affairs of this country, and in matters within the jurisdiction of the Provincial Legislature, otherwise than as a violation of the Constitutional rights of the people of this country and of the promises made by the Right Honorable Lord Viscount Goderich, formerly Secretary for the Colonies, in his despatch of July, 1831.

“ 3rd. *Resolved*, That this violation of the promises

Chap. and engagements of the Colonial Office towards this
 xxxv. country and the House of Assembly is, in the opinion
 1834. of this meeting, the more flagrant, the more oppressive, and exhibit the greater contempt for the people of this Province and their Legislature, inasmuch as it was committed against the will and desire of the inhabitants of this country, expressly manifested by resolutions unanimously passed by their Representatives in the Session of 1832—resolutions which have since been renewed in the last session of the Provincial Parliament, and supported by the people in their petitions to the Imperial Parliament.

“ 4th. *Resolved*, That independent of other acts, which have rendered the Administration of Mr. Secretary Stanley deservedly odious to the people of this Province, the approbation which he has given to the passing of the Land Company Bill, the favor which he has shewn towards those who solicited it—the open protection which he has given to those who, to avoid all opposition to their projects, have effected the passing of the said law secretly and clandestinely, suffice to impress upon that administration an indelible stain, and affix thereto the seal of reprobation.

“ 5th. *Resolved*, That this meeting confidently demands from the liberal views of the new Colonial Secretary, and the opinions which he has recently expressed on an analogous subject, that he will obtain from the Imperial Parliament the repeal of so much of the aforesaid act as concerns Lower Canada, and thereby remove one of the sources of discontent most poignantly and most generally felt, and which has been created throughout this Province by the impudent temerity of his predecessor.

“ 6th. *Resolved*, That whilst confidently awaiting this act of justice, this meeting invites the electors of the different counties to exact from those who may offer to represent them, a formal pledge that

they will use all their efforts to oppose by all legitimate means the operations of the aforesaid Land Company, and that they will not cease their exertions until they shall have obtained the repeal of the act of the Imperial Parliament by virtue of which it has been incorporated, so far as Lower Canada is concerned.

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“7th. *Resolved*, That this meeting regards as NULL the title obtained by the said Land Company, and invites the Provincial Legislature at its next session to declare such nullification and to adopt every other means in their power which their wisdom may suggest to protect the people of this country against this invasion of their rights as long as it may continue.

“8th. *Resolved*, That the inhabitants of this Province are moreover earnestly invited to use all legitimate means at their disposal to arrest the progress of the prevailing system of speculation and monopoly, whereby covetous and privileged share-holders, by virtue of legislative provisions, pretend to sell by auction and to dispose of for purposes of trade, considerable extents of land the most easy of access, and the most susceptible of early settlement by the youth of the country, from the approach to which they have been hitherto shut out by the partial distribution of the same in favour of a certain class of persons, which has been pursued with systematic perseverance until completed by the passation by the Imperial Parliament of the recent act now alluded to.

“*Ordered*, That copies of the above resolutions be transmitted to the Right Hon. the Secretary for the Colonies and to Messrs. Viger, Morin and Roebuck.

“The system of nomination to office pursued by His Excellency, the present Governor in Chief, was next brought under the consideration of the Convention, together with the recent appointment of Samuel Gale, Esquire, to the Bench of this district,

Chap. on which subject the Committee passed unanimously
 xxxv. the following Resolutions, each of which were duly
 1831. proposed and seconded.

"1st. *Resolved*, That for a series of years the people of this country have both by petition the Imperial Parliament, and through their representatives, complained of the partiality observed by the Executive of this Province in the distribution of several places of honor and profit in the gift of the Crown, from which His Majesty's subjects of French origin have been systematically and unjustly excluded, and which have, in most instances, been bestowed on other classes, and especially on those who by property or otherwise are least connected with the interests of the country, and who have on all occasions been most violently opposed to the rights and liberties of the people.

"2nd. *Resolved*, That after having thus frequently complained, it pleased His Majesty at length to take the subject into consideration, as appears from a despatch from Lord Viscount Goderich the then Colonial Secretary, dated 7th July, 1831, in which the people of this Province received the assurance of His Majesty's Government, that "if it could be shewn that the patronage of the Crown had been exercised upon narrow and exclusive principles, they could not be too soon disavowed and abandoned; especially if it were true that the fixed population of the Colony had not enjoyed a full participation in all the public employments, and the country should be assured that His Majesty cannot desire that such odious distinctions should be systematically maintained.

"3rd. *Resolved*, That notwithstanding the above assurances, the people of this country are at present under the necessity of again complaining that the same systematic, partial and unjust exclusion from office has continued to be followed up by His Excel-

leney Matthew Lord Aylmer, the present Governor in Chief, who since his appointment to office has called to several situations of profit in the civil departments thirteen or more persons, besides a great many in the Customs, of all of whom only *three* are Canadians of French origin.

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"4th. *Resolved*, That notwithstanding the assurances of His Majesty's Government above alluded to, His Excellency Lord Aylmer has moreover selected for the Judicial departments, in both the higher and lower Courts of this Province, violent partizans as instanced in his late nomination of the major part of the Commissioners for the summary trial of small causes in the country parts; on which occasion, contrary to the spirit of the law, and to the former practice of himself and his predecessor, he has excluded from such office several persons recommended to him by the proprietors who had called for the establishment of such Commissioners' Courts, (which persons had already filled such offices with advantage to the public and honor to themselves,) and appointed others who had no other recommendation than their known subserviency to His Excellency's political bias, and hostility to the opinions of the mass of the people.

"5th. *Resolved*, That the recent appointment of Samuel Gale, Esquire, to a seat on the Bench of this district is another particularly obnoxious instance of the violation of His Majesty's gracious assurance contained in the aforesaid despatch, and of the whole spirit of both the Canada Reports, and of the pledges of the Colonial Office, and unaccountably well calculated to continue those animosities and misconceptions lately recommended to be removed, inasmuch as the said Samuel Gale was throughout a notorious political supporter of the bad administration against which the people this of Province did, in 1827, successfully complain; to oppose which complaints, and

Chap. to support which obnoxious administration, the said
 xxxv. Samuel Gale was deputed to England, where he
 1834. evinced in his evidence before the Committee of the
 House of Commons the most violent and unfounded
 prejudices against the language of the people of this
 country and their laws, which laws he is now called
 to administer, to the great injury of the majority of
 His Majesty's subjects in this district, who, after the
 declarations on his part contained in that evidence,
 cannot have any confidence in such a man as a
 judge.

"6th. *Resolved*, That by the aforesaid nominations, and the repeated violations of the assurances contained in the despatch above referred to, which were based on the Report of the Canada Committee of 1828, and especially by the recent appointment of the said Samuel Gale to the Bench, in manifest contradiction with the terms and spirit of the Report of the Canada Committee of 1834, the confidence of His Majesty's subjects in the sincerity of the professions of His Majesty's Government is very much disturbed—His Excellency Lord Aylmer having identified thereby his administration with that of the wicked and tyrannical Earl of Dalhousie, and afforded, if such were necessary, further proof of His Excellency's utter incapacity to govern impartially, and of his having forfeited anew all claim to the respect and confidence of His Majesty's subjects in this Province.

"*Ordered*, That copies of the above Resolutions be transmitted to the Right Honorable the Colonial Secretary, and Messrs. Viger, Morin and Roebuck.

A committee similar to that at Montreal was also formed at Quebec, under the style of "the Constitutional Committee of Quebec."

The Provincial Parliament having reached its term and expired, the general election took place in October and November. The movement party in opposition to the government were every where suc-

cessful, except in the Eastern Townships, and partially so there. In Quebec and Montreal the elections were warmly contested, but the mercantile (British) interests were unsuccessful. Mr. Neilson, who had long been a prominent and skilful leader of the party now grown unruly and impatient of his advice, was rejected by the County of Quebec, which he had represented for many years, as was also Mr. Andrew Stuart, by a majority of the electors in the city. In the party spirit that now prevailed, no man of British name or descent, unless absolutely devoted to the ruling party, and ready to go all lengths with it, whatsoever may have been his former services to the country, had the least chance of being returned to the Assembly. Mr. Papineau, after a very hard contest for the west ward of Montreal, was (unduly it was said) declared, by the returning officer, elected. This functionary finding it, as he pretended, impossible to continue the election with security to himself or the "citizens electors," thought it his duty to terminate the election before, as was alleged, the whole of the votes, though at hand, were polled. He therefore proclaimed as duly elected to represent in Provincial parliament the West Ward of the City of Montreal, "the citizen Louis Papineau" and Robert Nelson, by posting up a proclamation to that effect.* Mr. Papineau would very probably have been returned unanimously, or nearly so, for any county in the province wherein the population of French origin constituted the majority; but he made it a point of

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* PROCLAMATION.—It being impossible to continue the election of the West Ward of the City of Montreal with *security to myself* or the citizens electors, I think it my duty to terminate the election, and I do proclaim duly elected to represent, in Provincial Parliament, the West Ward of the City of Montreal, the citizen LOUIS PAPINEAU and ROBERT NELSON, as having the majority of votes, as it appears by the Poll Book of the West Ward of the City of Montreal.

(Signed,) CHARLES ANDRE LUSIGNAN,
Returning Officer.

Chap. honor on the occasion, it seems, to represent Mon-
xxxv. treal, the city of his residence and nativity.*

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"The article below there is reason to believe is explanatory of Mr. Neilson's views of public matters and being interesting it finds as such a place here.

* "There is no legal tribunal having jurisdiction beyond that of electors called, conformably to law, to pronounce on the conduct of their representatives: but there is a moral tribunal which judges the judges, and passes sentence, without appeal, irrevocable, eternal, because its decisions are conformable to truth and justice, which are eternal and invariable, like the Divinity from whom they proceed, and by whose Almighty power they are sustained.

"The majority of the electors of Lower Canada have absolved the authors and supporters of the Resolutions of the House of Assembly of last winter. The question, however, still remains before this moral tribunal.—Are they innocent, or are they guilty? If they are guilty, then *Judex damnatur*.

"The powers and duties of representatives ought to be clearly understood; they must be tried by their acts, as being consistent or inconsistent with their duties.

"Representatives hold a delegated authority: they are the agents of their constituents for a limited time, with limited powers conferred on them by the law and the existing Constitution. They cannot exceed these powers without a breach of duty—without usurpation. If they do, they set themselves up as the masters of the people, instead of their agents.

"Their powers are clearly defined by the Constitutional statutes: they are to advise and consent, concurrently with the Legislative Council, constituted in virtue of the same statute, to the enactment of laws, by the authority of the Crown, for the peace, welfare, and good government of the Province, not being repugnant to the said statute. They have also, of necessity, the privileges required for giving effect to the aforesaid purposes. Beyond this, they have no legal power whatever. If they go beyond it, they assume what does not belong to them, and betray the trust confided to them by their constituents.

"What has been the conduct of the members of the late House of Assembly, publicly known and acknowledged? They have attacked the Constitutional Act itself;—they have resolved on the annihilation of one of the Branches of the Legislature, with which they were appointed to act, and by that resolve excited the just apprehensions and resistance of the two other co-ordinate Branches, and thereby raised obstacles to the performance of the trust confided in them, for furthering the enactment of laws required for the common welfare;—they have rejected or neglected the proposed co-operation of the British Government, for the entire removal of the grievances and abuses complained of in the petitions of the people in 1827, and by themselves in 1831;—they have spread dis-

The elections being over, all those who were anxious for a continuance of the Constitution and maintenance of the connexion of the Province with Great Britain, Chap. XXXV. 1834.

cord throughout the Province, and caused blood to be shed at our heretofore peaceable elections;—they have arrested the improvement of the country and the amelioration of its laws, which were rapidly and successfully advancing, by the aid of an united Legislature, from 1828 down to the moment of the attacks on the established Constitution;—and, finally, they have brought the people of the Province into a state of uncertainty and disquiet as to their future fate, and excited a spirit of individual and national animosity before unexampled amongst His Majesty's subjects in Lower Canada, threatening long and dangerous struggles and excesses.

"These are facts, public and notorious, which may be colored, but which no one will venture to deny.

"But they have not only usurped authority which was not given to them, and produced all the consequences before stated; they have excited to sedition, rebellion, and treason. Their ninety-two resolutions of last winter are a long declamatory address to the passions and prejudices of the majority of the people, whom they formally designate and class in these resolutions as of "French origin," in contradistinction to "British or foreign origin." They grossly insult and falsely accuse individuals, public authorities, and whole bodies of men, in aid of their attempted usurpation on the established Constitution and the rights of their constituents. They tell the people that they have been subjected to 'a long series of injustice and oppression' under the British government,—that allegiance and protection are co-relative obligations,—refer to the example of the United States,—and finally threaten to seek a remedy 'ELSEWHERE,' if their demands are not granted by the British Parliament. If there is a man of unsophisticated mind and common honesty, who has read, or will read, the ninety-two resolutions, and say, before God and man, that such is not the bent and character of these resolutions, then I will consent that these latter allegations against the members of the late House of Assembly should be taken as not proven.

"If they are proven, they add to usurpation and breach of trust, the guilt of falsehood, calumny, disrespect and insult of individuals and lawful authorities, and excitation to rebellion and treason.

"Yet, in the face of all the public and acknowledged evidence against the authors of these violations of duty, they have been acquitted by the majority of the electors qualified by law, throughout the Province. *Judex damnatur quia nocens absolvitur.*

"The judges and the judged, restored to mutual confidence, are now rejoicing together. There is, fortunately, yet subject for rejoicing in Canada. British capital, and the substantial advantages allowed by the mother country to the trade and industry of the Province, still give to its property and labor double the value

Chap. began more seriously than ever to turn their attention
xxxv. to combined action and measures for the purpose.

1834. they would have if these advantages were lost or withdrawn; notwithstanding the diminution of that value, occasioned by the interruption of the usual circulation of money for two years, by the measures of the late House of Assembly. The proportion contributed by each individual in Lower Canada to the expenses of government, does not amount to a fourth of the proportion contributed for similar expenses by each individual in the adjoining States, and a tax-gatherer is unknown among us. The population of British America has increased to *twelve* times what it was seventy years ago, while, in the same period, the old colonies, now the United States, have increased only about *six* times. The concessions of the British government in favor of popular privileges in Lower Canada, during the last few years, are unexampled in Provincial history, for their extent and liberality. There is, indeed, still room for rejoicing and thankfulness among the good citizens of Lower Canada; but very little for the authors and abettors of usurpation and insolence; none for the actors in the recent proscription of that portion of the inhabitants of the Province who are not disposed to repudiate the constitution of the country, as lawfully established, and to reject the only system of free government which has stood the test of ages, to seek here, or 'elsewhere,' a government of mere will and pleasure, the odious elements and tyrannical operation of which have been visible to all, at the late election meetings in Quebec. Those who are overjoyed at these late 'victories,' would do well to recollect that the British government, the British constitution, and British power, are not yet extinct in the North American Provinces: there are yet many good men and true, of all national origins, even in Lower Canada. The spoils of British trade, British industry, and British capital have not yet come into the hands of the authors and supporters of the political measures of the late House of Assembly. The power of exciting the honest prejudices of the majority of the people of French origin, and of operating on the hopes of numerous vain, presumptuous, unprincipled, and hungry partisans, will wear itself out in time. The tree will be known by its fruits. Little will eventually remain to the chief managers, but the indelible stain of GUILT. It will settle on their countenances as they walk the streets,—follow them when they retire to their dwellings,—dash the enjoyments of the social circle,—rankle in their breasts when they are alone,—accompany them in the halls of legislature,—and travel with them to the country, where they will hear the reproaches of an honest and too confiding people, whose real and progressive happiness, under the British government, they have so cruelly disregarded and endangered, to follow in the paths of that ignorant and presumptuous quackery and atrocious ambition, which, in our own days, have desolated so many countries.

"CONSTITUTIONALIST."

A public meeting was held at Quebec on the 22nd November, at which a "Constitutional Association" was formed,* and a general committee named, which, in its turn, nominated a sub-committee of fifteen of its members.† A great meeting of the like character also took place about the same time at Montreal at

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* This day at one o'clock, pursuant to notice, a meeting was held at the Albion Hotel, for the purpose of adopting preliminary measures for the formation of a Constitutional Association in this city.

Andrew Stuart, Esquire, was called to the Chair, and R. H. Gairdner, Esquire, was nominated as Secretary.

The following Resolutions were severally moved by J. H. Kerr, Esq., and seconded by W. K. McCord, Esq.

Resolved 1. That in the present alarming state of the Province, approaching to anarchy and confusion, it is absolutely and urgently necessary for the common safety of persons of British and Irish origin, that a general union should be established for securing, protecting and maintaining their constitutional rights, and for ensuring, by legal means, the safety of their persons and property.

2. That for effecting the purposes of the preceding resolution, it is fit and expedient to establish, at Quebec, an Association to be called, The Constitutional Association.

3. That a committee of 75 be named to consider the fit measures to be taken for the establishment of a Constitutional Association, as already mentioned, with powers to appoint a sub-committee of 15, and report to a general meeting to be held at this place pursuant to notice.

4. That a subscription be immediately opened to promote the objects of the Constitutional Association.

It was then resolved to appoint a Treasurer, when Alexander Simpson, Esq., of the Montreal Bank, was unanimously named to that office.

The first and second resolutions were adopted with the understanding that the committee would amend them so as to include Canadians of French descent, and persons of other countries who coincide in the opinions expressed at the meeting.

Some conversation took place in which Messrs. A. Stuart, J. Neilson, senior, and W. K. McCord, took part. The hour at which the meeting broke up prevents our giving full particulars.

About four hundred pounds were subscribed by three o'clock.
(*Quebec Mercury.*)

† These were, Jno. Neilson, Andrew Stuart, Henry Lemesurier, George Pemberton, James Hastings Kerr, Henry Black, James Bell Forsyth, James Stuart, Wm. Price, John Charlton Fisher, Thomas A. Young, William Power, James Dean, Samuel Neilson, R. H. Gairdner.

Chap. which very decided resolutions were adopted.* A
 XXXV. general meeting of the Quebec Constitutional Associa-
 1828. tion took place on the 12th of December, when a
 DECLARATION was agreed to and issued by it in the
 following terms:—

“ A meeting of about 400 or 500 members of the Quebec Constitutional Association, took place at the Albion Hotel, on Thursday evening, 12th inst., for the purpose of taking the sense of the Association with respect to a declaration drawn up by the sub-committee. John Fraser, Esquire, was called to the chair, and R. H. Gairdner, Esq., acted as Secretary.

“ Andrew Stuart, Esq., explained the object of the meeting, which was, to take the sense of the members generally with regard to the declaration which he then held in his hand, and which had received the unanimous approbation of the sub-com-

* Moved by Mr. Walsh, seconded by Mr. Henry Corse, That the bitter and unceasing animosity which has been displayed towards persons of British and Irish origin, and the unprincipled attempts which have been made to injure and oppress them, as exemplified more particularly in the proceedings of the Town Council, afford sufficient evidence of the tyranny which would be practised, should the British Government make the further concessions demanded by a majority of the late House of Assembly.

Moved by Mr. Thomas Philips, seconded by Mr. C. D. Day, That the *nominal* majority of Messrs. Papineau and Nelson, is to be ascribed solely to the gross partiality of the Returning Officer. in rejecting legal votes, in accepting those that were illegal, in repeatedly adjourning the poll without the requisite consent of all the candidates, and in prematurely closing it without notice, and cannot form the slightest justification of that functionary's illegal return.

Moved by Mr. Andrew Doyle, seconded by Mr. James Holmes, That uncertain of His Majesty's Government, and impressed with a deep conviction of imminent danger, we feel it an imperative duty to declare that we will not submit to the domination of a party adverse to immigration, to commerce, to internal improvements, and to all those interests which may be regarded as British; but, relying on the justice of our cause, conscious from recent experience of our own strength, and mindful of the fame of our fathers, we will resist to the uttermost all attempts to place us under the yoke of a party which, we firmly believe, is bent on our destruction.

mittee, and also, of the general committee. The most proper course to be pursued, therefore, he apprehended, would be to read the declaration, paragraph by paragraph, so as to give every one present an opportunity of expressing his opinions.

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“The following declaration was then read, paragraph by paragraph, and the question of concurrence being put on each, they all passed by acclamation, with the exception of the 8th, the only dissentient voice to which was Mr. Gagy.

“DECLARATION

Of the causes which led to the formation of THE CONSTITUTIONAL ASSOCIATION OF QUEBEC, and of the objects for which it has been formed.

“The political evils under which Lower Canada has long labored, have recently been increased in so alarming a degree, that the subversion of government itself is to be apprehended, with the consequent disorders of anarchy, unless the progress of them be arrested, and an effectual remedy applied.

“Under the influence of a party in the Assembly of the Province, laboring by every means which they could devise to concentrate political power in their own hands exclusively, national distinctions have been fostered and established, the administration of the local government has been perseveringly obstructed and impeded, its authority brought into contempt, and public and private security essentially impaired and endangered; whilst the just subordination of the colony to the parent state has been openly questioned, and resistance to its authority, if not avowedly inculcated, certainly covertly promoted.

“In prosecution of the views of the party to which those evils are mainly ascribable, that portion of the population of the Province which has been by them designated as of ‘British or Foreign origin,’ has vir-

Chap. tually been, and now is, deprived of the privilege of
 xxxv. being heard in the representative branch of the gov-
 1884. ernment in support of their interests and views.

The portion of the population thus proscribed amounts to about one hundred and fifty thousand souls, or one-fourth of the whole, and comprises nearly all the merchants, the principal members of the learned professions, a large body of skilful and wealthy artizans and mechanics, and a great number of respectable and industrious agriculturalists, possesses extensive real estate, and holds by far the greatest portion of the capital employed in the pursuits of trade and industry, all which interests are liable to be burthened and in fact have been injuriously affected, in consequence of the proceedings of the said party and of the majority of the same origin by whom they have been supported in the assembly of the Province.

“ The class of persons by whom members of the assembly are almost exclusively returned,—that is, the inhabitants of French origin, who form the majority, and whose character is in other respects most estimable,—has shewn itself peculiarly liable to be acted upon by ambitious and self-interested individuals, who, by exciting the latent national prejudices of the majority against their fellow-subjects of a different origin, can, as appears from late events, lead them astray by specious though perfectly unfounded representations addressed to their prejudices and passions.

“ By these means the party in the Assembly already alluded to, has acquired a dangerous ascendancy over this class of the population, and the result of the late elections evinces that they will use it for the purpose of securing the return of such persons only as will act in subserviency to them. Upon that occasion it is notorious that no other qualification was asked or required from candidates than an implicit acquiescence in the views and wishes of the

party as expressed in the resolutions of the Assembly to be presently adverted to.

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“ While the representation of the Province continues on such a footing, with the concentration of power incident to it, experience has shewn that there can be no hope of a fair and impartial administration of the powers of government, and there is too much reason to apprehend that in a body so constituted, the public and general interests of the Province, commercial and agricultural, will continue to be overlooked and neglected, or subjected to injurious regulations, its improvement obstructed and retarded, and the whole internal government of the Province deprived of the legislative superintendence and provisions which are necessary for its efficiency, and the promotion of the general welfare.

“ The political evils arising from the constitution and composition of the Assembly have been greatly increased and aggravated by the act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally as it is understood by that body, the important revenue by means of which the civil expenditure of the Province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the revenues absolutely and indispensably requisite for defraying the civil expenditure of the Province, by means of which the Executive government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence; and public authority, both administrative and judicial, from the Governor-in-Chief and the Chief Justice of the Province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive, or capricious control.

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“ If any doubt could heretofore have been entertained as to the design and tendency of the proceedings of these men, that doubt must have been removed by the resolutions passed in the Assembly on the 21st day of February, 1834, containing divers false and scandalous imputations of so general a nature as not to admit of answer or investigation, against the character and conduct of His Majesty’s government in this Province,—against the whole body of its officers, civil and military,—against the judiciary and the second branch of the Provincial Legislature,—against a large portion of the inhabitants of the colony engaged solely in the duties and pursuits of private life, and against the British government generally as respects this Province, since the cession of Canada to His Majesty by the Crown of France.

“ These resolutions passed by a majority of 56, of whom 51 were members of French origin, against 24, of whom 17 were not of that origin. They formally class and enumerate His Majesty’s subjects in this Province as persons of ‘French origin’ and of ‘British or Foreign origin,’ the former of whom are erroneously stated as consisting of 525,000 and the latter of 75,000 souls.

“ The address to His Majesty and to the two Houses of Parliament, wherein these resolutions are embodied, and which have been transmitted to England, claims a revision and modification, by the majority of the people of this Province, of the Constitutional Act; an extension of the elective system contrary to the prerogative of the Crown and the British constitution, for the purpose of investing the appointment to offices of honor and profit in the said majority of the people; the election of the second branch of the legislature, now appointed by the Crown for life, in virtue of the aforesaid act; threatening at the same time the British government and Parliament with the example of the late colonies, now the United States

of America, and insisting upon being supported in the demands contained in the said resolutions, that the people of this Province 'may not be forced by oppression to regret their dependence on the British empire, and to seek elsewhere a remedy for their afflictions.'

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"In furtherance of the views of the framers of the said resolutions and address, the said resolutions were, shortly after the close of the last session of the Provincial Parliament, printed and distributed in great numbers throughout the Province at the public expense; and certain committees were therein invited to be formed, to aid in giving effect to the same, under a pledge of the 'honor of the representatives of the people' to reimburse the expenses of the said committees to them, or to such persons as might advance money to them.

"The party already referred to, composed of certain members of the House of Assembly, of French origin, has for several years past, as already stated, and as is well known, taken advantage of every opportunity, both by speeches delivered in the House of Assembly and elsewhere, and through means of newspapers under their control, to excite the ancient national prejudices of the inhabitants who are of French origin, against their fellow-subjects who are not of that origin; and particularly by the aforesaid resolutions printed and distributed as aforesaid, and by meetings and committees in support thereof, they have in fact so operated upon the prejudices of persons of their origin, as to excite a great number of them to frequent public expressions of hatred, and threatened violence to those not of the same national origin.

"In consequence of these machinations and others connected with and resulting from them, it has come to pass, as might have been looked for under such circumstances, that at the late general election, (as the poll books kept of record according to law will

Chap. shew,) majorities consisting of persons of French ori-
 xxxv. gin have chosen nearly the whole of the members
 1834. who are to compose the House of Assembly for the
 ensuing four years, of persons of that origin who have
 publicly approved of the said resolutions, or pledged
 themselves to their support.

“As subordinate to the grievances now stated, but contributing materially to the political evils of the Province, other departments of the government may be mentioned as to which measures of reform are urgently called for. The system of judicature as now established, it is universally known, is altogether insufficient and unsuited to the present state and condition of the Province. From the great extension of the settlements, and the increase of population in different districts, the courts of original jurisdiction have become inaccessible to the inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases a denial or failure of justice; while the Court of Appeals, from its peculiar constitution, is unfit for the exercise of the powers with which it is entrusted. That a system of such vital importance to the public welfare, and yet so injuriously defective and inadequate, should have continued without alteration or improvement, is among the striking evidences of the imperfect exercise of powers entrusted to the Provincial Legislature.

“In every well-regulated government it is essential that the executive authority should be aided by the advice of able and well-informed individuals, acting together and in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures. Among colonial governments, which are generally administered by persons laboring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable for the attainment of the ends of good government.

This body of advisers ought to be found in the Executive Council of the Province; but its members are too few in number, and its composition too defective, to answer the purposes of its institution.

“ Whilst the greatest importance ought to be attached to the selection of fit persons for seats in the Legislative Council, it is indispensably necessary for the stability of the government as now constituted and for the security of His Majesty’s subjects within the Province, that the power of appointing members to that branch of the legislature should continue to reside exclusively in the Crown, but subject to such regulations as may be deemed proper for ensuring the appointment of fully qualified persons.

“ Under the foregoing view of the political state of the Province, the object of the Constitutional Association of Quebec will be,—

“ By constitutional means,—

“ 1st. To obtain for persons of British and Irish origin, and others His Majesty’s subjects laboring under the same privation of common rights, a fair and reasonable proportion of the representation in the Provincial Assembly.

“ 2nd. To obtain such reform in the system of judicature and the administration of justice as may adapt them to the present state of the Province.

“ 3rd. To obtain such a composition of the Executive Council as may impart to it the efficiency and weight which it ought to possess.

“ 4th. To resist any appointment of members of the Legislative Council otherwise than by the Crown, but subject to such regulations as may ensure the appointment of fit persons.

“ 5th. To use every effort to maintain the connexion of this colony with the parent state, and a just subordination to its authority.

“ 6th. To assist in preserving and maintaining peace and good order throughout the Province, and

Chap. ensuring the equal rights of His Majesty's subjects
xxxv. of all classes.

1824.

"Now WE, whose names are undersigned, taking the premises into our serious consideration, do hereby form ourselves into a Constitutional Association for the purposes stated in the foregoing declaration, and for mutual support in the discharge of the duties of our allegiance to His Majesty, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, dependent on and belonging to the said Kingdom.

"Declaring that we wish for no preferences or advantages over our fellow-subjects of whatever national origin, nor for any infringement of the rights, laws, institutions, privileges and immunities, civil or religious, in which those of French origin may be peculiarly interested, and to which they are entitled, or which they enjoy under the British government and the established constitution; desiring merely for ourselves the enjoyment of equal rights with our fellow-subjects, and that permanent peace, security and freedom for our persons, opinions, property and industry which are the common rights of British subjects.

"And in furtherance of the purposes aforesaid, to the utmost of our power, we hereby pledge ourselves to each other and to our fellow-subjects throughout the Empire."

An address was also issued by the constitutionalists at Montreal shortly after the above from Quebec.

"TO MEN OF BRITISH OR IRISH DESCENT.

Fellow Countrymen,

"Engaged in a contest, the result of which must be felt throughout the Provinces of British America, we, your oppressed brethren of Montreal, solicit your attention to a brief and temperate exposition of our principles and grievances

Connected with you by identity of origin, by community of feeling, by national recollections, and by one common interest, in this the hour of danger we look to you for support. Chap. xxxv. 1834.

“The population of Lower Canada, heterogeneous in its character, comprehends two distinct classes—a majority of French, and a minority of British descent—governed by feelings and attachments widely differing from each other; the causes which have produced that division may be generally known.

“The want of education among the French majority, and their consequent inability to form a correct judgment of the acts of their political leaders, have engendered most of our grievances. The extent of that ignorance may be collected from the facts, that within the last few years in each of two Grand Juries of the Court of King’s Bench for the district of Montreal, selected under a provincial law, from among the wealthiest inhabitants of the rural parishes, there was found but one person competent to write his name; and that trustees of schools are specially permitted, by statute, to affix their crosses to their school reports.

“The political information of that part of the Canadian population engaged in agricultural pursuits is, therefore derived exclusively from the few educated individuals scattered among them, who speak the same language, and who possess the means of directing public opinion, exempted from those salutary checks which education alone can bestow.

“The persons who wield this mighty power are, generally speaking seigniors, lawyers and notaries, of French extraction, all of whom as will be shown hereafter, have a direct and selfish interest in maintaining a system of feudal law, injurious to the country, and bearing with peculiar severity on British interests.

“Our endeavours to procure relief have been repre-

Chap. xxxv.
1884. sented as an overt attack upon the customs and institutions of the Province ; national prejudices have been called into action, national feelings excited, and a French majority, ignorant of the nature of the contest, is now arrayed against a British minority.

“ Passing by the petty vexations of the feudal tenure, such as the seignior’s right to call for the title deeds of every vassal ; his exclusive right of grinding the grain of his seigniory ; his right to assume any property within the limits of his seigniory, on reimbursing to the purchaser the cost of his acquisition ; and other claims of a servile and arbitrary character incident to feudal law ; we proceed to the subject of the more grievous burdens by which we are oppressed.

“ Throughout the seigniories of Lower Canada, within the limits of which are comprised the cities of Montreal and Quebec, upon the sale of real property the feudal Lord extracts from the purchaser a fine equal to one-twelfth part of the price—a claim which recurs with each successive sale ; thus every person who clears, or otherwise improves a farm, erects a building, either in town or country, or invests capital in landed estate, bestows one-twelfth of his outlay on the seignior, whenever the property is brought to sale.

“ This odious law, so injurious in its effects, readily explains why this fine Province, although richly endowed by nature, is so far surpassed in the career of improvement by neighboring Provinces and States.

“ From the want of a bill for the registration of acquisition of real property, the validity of a title cannot be ascertained except by a course of expensive proceedings through Courts of Law, but secret incumbrances may still exist, unaffected by that procedure, for whose discovery no means are afforded ;

hence the difficulty of borrowing money on mortgage, and the frequent seizure and forced sale of real estate. Chap
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“The profits which accrue to the seignior from this state of things are obvious ; and the interest of the French lawyer and notary in maintaining a system of law that fosters litigation and produces corresponding expense is equally intelligible.

“Such are the considerations which govern a party exercising a paramount influence in the House of Assembly: and thus it is that British liberality which conferred upon the French population the elements of free government has been perverted by designing and interested individuals to the means of retaining laws adverse to national prosperity and to the spirit of free institutions.

“The repugnance of Britons to a slavish and antiquated system of feudal jurisprudence has drawn upon them the undisguised hostility of the French party ; an hostility which has been manifested by attempts even of a legislative character to check emigration from the British Isles, and to prevent a permanent settlement in the Province of that class of His Majesty’s subjects, whom they have invidiously described as of ‘British or Foreign origin.’

“The most prominent of these enactments, and the most unjust, is the imposition of a tax on British emigrants, and British emigrants only, in violation of the most sacred rights we inherit from our fathers, and contrary to the best interests of the Province.

“They have denounced, as a mischievous monopoly, a Land Company, established for the purpose of settling, with a British population, lands which, by their distance from a market and want of roads, would otherwise be inaccessible to individual enterprise ; wilfully overlooking the fact, that the immense tracts of land still held by the Crown, and offered for sale, in small parcels, at low rates, secure

Chap. the advantages of competition, and will prevent the
 xxxv. Company from using its privileges to the detriment
 1834. of the community.

“ In the formation of counties for the election of representatives, the townships, which are held by the tenure of free and common soccage, and are therefore the natural resort of British settlers, have been divided into counties, according to the actual population, without making any provision for their future growth, although the territory thus parcelled out is of much larger extent than the French seigniories; so that were the respective sections of the Province peopled in proportion to their productive powers, a majority of British constituents would return a minority of representatives.

“ They have excluded co-tenants and co-proprietors from the elective franchise, as being generally Britons, whilst to co-heirs, as being chiefly French, the right of voting has been carefully secured.

“ The qualification of magistrates, of militia officers and of jurors, is made to depend upon real estate; the possession of which, in properties of limited value, is generally confined to Canadians, whilst Britons, whose capitals are more commonly embarked in commercial and manufacturing pursuits, are virtually debarred from those offices and public trusts; thus confiding our liberties to the discretion of a body of men, the greater number of whom are devoid of education, and have been taught to regard Britons as their natural enemies.

“ Their abuse of power and contempt of enlightened public opinion, (confident in the support of an unlettered French majority,) are exemplified by their proceedings in the House of Assembly. We have seen Mr. Christie expelled from successive Parliaments, despite the remonstrances of the disfranchised electors of Gaspé, and contrary to every principle of a representative government—Mr. Mondelet

expelled by a forced construction of an illegal resolution, a construction, from which the framer of the resolution declared his dissent; and contrary to the precedent in the case of Mr. Panet, who under like circumstances, was permitted to retain his seat—The West Ward of Montreal, containing a majority of independent British electors, disfranchised for two years—a pretended enquiry into the melancholy riot of the 21st of May, 1832, where individuals were pronounced guilty before the examination of a single witness; and where, in violation of a solemn pledge, and of common justice, the evidence for the prosecution was sent forth to the world without any evidence having been received in defence—public monies misapplied under resolutions of the Assembly, without the assent of the co-ordinate branches of the legislature—the contingent expenses of the Assembly charged with a salary to Mr. Viger, originally of £1000, but gradually increased to £1700 per annum—a sum so disproportionate to the services rendered, as to justify the conclusion, that the vote itself was a convenient pretext for the secret misapplication of Provincial funds; and, their daring contempt of all public and constitutional principles during the last session, and on the eve of a dissolution, in attempting to commit a new Parliament to the reimbursement of the expenses attendant upon the convening of public meetings throughout the Province, avowedly for the purpose of influencing the general election.

“The laws governing commercial transactions introduced from France, remain as they were at the conquest. Applications to the Assembly for a bankrupt law, and other modifications of the existing jurisprudence, suited to the altered circumstances of the country, have been uniformly neglected, and we continue subjected to the uncertain and ill defined provisions of a body of laws long since repudiated in that France, whence it was originally derived.

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1834.

Chap. "The Provincial banks called into existence by
 xxxv, acts of the Provincial Legislature, and by the terms
 1834. of their charters, compelled annually to exhibit state-
 ments of their affairs, have been openly denounced
 by Mr. Papineau, late Speaker of the Assembly,
 and organ of the French party, from no other pos-
 sible motive than a desire to inflict injury upon
 commerce, and consequently on Britons, by whom
 the commerce of the country is chiefly conducted.

"The same individual has publicly recommended
 to the French party to abstain from all intercourse
 with Britons; an advice which has been acted upon
 to a considerable extent.

"Not satisfied with the powers with which they
 are constitutionally invested, the French party in
 the Assembly have been incessantly occupied in at-
 tempting to arrogate to themselves supremacy in the
 concerns of the Province.

"Their refusal to pass laws, except of temporary
 duration, has involved in uncertainty important in-
 terests which would require to be regulated by per-
 manent enactments.

"Their claim to pass in review the salaries of all
 public officers by an annual Civil List, voted by
 items, would, if acceded to, lead to a disorganization
 of government, and ultimately render the Judges
 and other public functionaries, the instruments of
 their political animosities.

"The Legislative Council, a body appointed by
 the Crown, and where alone British interests are
 fairly represented, they are endeavouring to replace
 by an elective Council, which, returned by the same
 constituency, must, from necessity, be in all respects
 a counterpart of the Assembly; a measure which
 would remove the barriers that defend us against
 French tyranny, and give to a majority, hostile to
 British interests, a power that would be employed to
 sever the connexion between Canada and the Em-
 pire.

“Our opposition to this extension of the elective principle, dictated by preservation, has been falsely represented as an opposition to liberal institutions. Accustomed to see in the neighboring States the mild tolerance of equal laws, and a constitution in its essential features approximating to our own, we are not of those who startle with alarm at the name of a republic, or view their institutions with jealousy or distrust. With sentiments of generous pride, we recognise the lineaments of kindred blood and national character. Sensible of the benefits derived from our connexion with the parent state, and ardently attached to the land of our fathers, we view with grief and indignation, proceedings, which, if not successfully resisted, will leave us no choice between a change which we deprecate, and a submission to French oppression.

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1834.

“It were an insult to the understanding to dwell upon public opinion, as expressed by a population destitute of the advantages of education, as the mass of the French population in this Province has been shewn to be, and we regard with blended feelings of indignation and contempt, the affectation of the leaders of the French party, of the character of liberals and reformers, whilst they have sedulously fostered a system of feudal exactions and feudal servitude, which invest a privileged class with more arbitrary rights than the nobility of England, without the plea of hereditary claims to legislative honors.

“Numbering in our ranks many who, both in Britain and in Ireland, were foremost in the cause of reform; independent in our principles; unconnected with office; of all classes and of all creeds; bound together by the endearing recollection of a common origin, and the powerful sentiment of a common danger, we are prepared to resist to the uttermost the efforts of a party, which, under the specious guise of popular institutions, would sever

Chap. wisdom from power, and respect from intelligence,
xxxv. and consign us to unendurable bondage.

1834.

“ Cherishing sentiments of becoming respect for His Majesty’s government, and correctly appreciating its many efforts to advance our prosperity, the task we have undertaken to perform requires, nevertheless, that we should explicitly declare our opinion, that the evils which oppress us have been aggravated by the various and temporising policy of successive administrations.

The destinies of this important Province have been confided to Colonial Secretaries, ignorant of the state of parties in the Colony. Entering upon office without a competent knowledge of our affairs ; relying for information upon a House of Assembly, constituted as that body has been shewn to be ; alternately making unwise concessions or attempting to enforce unwise principles, and not unfrequently retiring from office at a time when experience would have enabled them to act with becoming judgment and decision, the tendency of their measures has been to compromise the dignity of the Home Government and to confer a sanction upon the pretensions by which our interests are assailed.

“ We are not insensible to the just grounds of complaint arising from the inefficiency of the Executive Council, and the feeble claims which that body possesses to the confidence of the community.

“ We cannot recognise just principles of government in calling to a seat in one of the Councils, a clerk or subordinate officer of the other ; and although the Legislative Council, as at present constituted, commands our respect as possessing a majority of independent members, we consider that it yet contains too many persons holding dependent situations under the Crown and liable to be acted upon by undue influence.

“ The accumulation of offices in the family and

connection of a leading member of the Legislative Council, deserves to be held up to public reprobation. Chap. xxxv. 1834.

“The irresponsible manner in which the Land granting Department is conducted, the salary disproportioned to the duties performed, which is attached to the office, and other abuses connected with the Woods and Forests, demand revision.

“To the redress of these abuses, and to all other reforms, based upon just principles, we offer the most strenuous support, and we, deliberately and with confidence submit this exposition of our principles and grievances, in order that our fellow-countrymen may be enabled to judge of the sincerity of the respective parties in the Province, by contrasting professions with facts.

“The subject of this address cannot fail to suggest important reflections connected with the social and political relations of the country. Of what the future will disclose we can offer no conjecture. Recent events have roused us to a sense of impending danger, and the British and Irish population of Lower Canada are now united for self-preservation, animated by a determination to resist measures, which, if successful must end in their destruction. Shall we, in this, the country of our adoption, be permitted to find a home? or shall we be driven from it as fugitives?

“Strong in the sympathies of our fellow countrymen in the Sister Provinces, injury cannot be inflicted upon us, without affecting them; and the French party may yet be taught, that the majority upon which they count for success, will, in the hour of trial, prove a weak defence against the awakened energies of an insulted and oppressed people.

“By order of the Committee appointed at a public meeting of the inhabitants of Montreal, held on the 20th of November, 1834.

(Signed)

JOHN MOLSON, Jun.

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The official classes, including the Judges, who had suffered much inconvenience from the withholding of the supplies, were this autumn partially relieved by an advance from the military chest of £31,000 sterling, by order from the government at home, towards part payment of the arrears due them.* This

* "Downing-street, 27th Sept. 1834.

"My Lord,—I have the honor to acquaint your Lordship, that His Majesty's government being fully aware of the extreme inconvenience to which our government has necessarily been exposed by the failure of the Supply Bill for the year 1833, and by the absence of any provision for the expenses of the public service for the present year, have had under their most serious consideration the steps which it would be most desirable to adopt with the view of relieving you from a state of embarrassment.

"The most gratifying termination to this state of things that can be anticipated is unquestionably the settlement of the financial differences of the Province in a manner satisfactory to all parties, and such as may meet the reasonable views of His Majesty's subjects of all classes in Canada. This supposition is one which it is my most earnest desire to realize, and to its accomplishment the most anxious endeavors of the Government are now directed. But in the interval which must occur before these discussions can be brought to a close, I am bound in justice to those who fill public situations, to consider the privations and hardships to which they are subject by the delay which has taken place in the payment of their salaries, and to devise some immediate means for providing funds for their relief. Nothing but the unprecedented nature of the call would justify the Government in having recourse to such a measure, especially since (as your Lordship is aware) there is a sum amply sufficient to meet the demands on the public chest, but which cannot with propriety be appropriated until a supply bill has been passed by the Assembly. It is under these peculiar circumstances that it has been determined by His Majesty's government to authorize an advance to be made from the military chest, not exceeding the sum of £31,000, being the amount required to defray the services of the year 1833. I do not mean to direct these payments to be made in all cases, for it would be unquestionably more advantageous in many respects that a course of proceeding, only to be justified by inevitable necessity, should not be resorted to. But my intention is to vest in your Lordship, under the responsibility of His Majesty's Government, an authority to meet such extreme cases of pressure as may require your interposition, and may not admit of delay till the entire question is disposed of, by a temporary advance from the extraordinary fund of the Mother Country, giving this relief in a manner which does not prejudice any of the points under discussion, and feeling convinced that out of the sup-

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h Sept. 1834.

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partial relief mitigated the distress, but it irritated the opponents of the government, who contended that it was an undue interference with the privileges of the Commons, and with a view to render their attempts to control the Executive, by refusing the supplies, nugatory. This step by the Home Government was consequently made an additional grievance.

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On the eve of the new year, the mayor and town-council of Quebec, with singular indelicacy, took into consideration the propriety of paying the usual compliment of a new-year's visit to the Governor-in-Chief, and decided in the negative.

The Asiatic cholera this summer again visited Canada, scourging the cities of Quebec and Montreal with equal if not greater severity than in 1832, as well as the principal towns in the Upper Province.

The new parliament,* (the last of Lower Canada)

plies which I trust will be voted by the Legislature of Lower Canada this advance will be cheerfully repaid.

"You will, upon the meeting of the Legislature, take the earliest opportunity of making the two Houses acquainted with the course which His Majesty's government have felt it necessary to adopt; and I entertain a confident expectation that the financial condition of the Province will receive from the Legislature that attention which its paramount importance demands.

"I have, &c.

(Signed,)

"T. SPRING RICE.

"To Lt-Genl. Lord Aylmer, &c., &c."

* HOUSE OF ASSEMBLY.

The figures after the names, denote the number of times the members had served previous to the last election. Those to whose names are prefixed † were not of the last Assembly.

Speaker, ———; *Bonaventure*, E. Thibodeau, (1.) and † J. F. Deblois; *Gaspé*, Wm. Power, (2.) and Jean Le Boutillier, (1.); *Rimouski*, Louis Bertrand, (1.) and † J. Bte. Taché; *Kamouraska*, Amable Dionne, (1.) and † Pierre Canac dit Marquis; *L'Islet*, J. B. Fortin, (9.) and J. C. Letourneau, (2.); *Bellechasse*, N. Boissonnault, (3.) and A. N. Morin, (2.); *Dorchester*, † J. B. Beaudouin, and Jean Bouffard, (1.); *Beauce*, Ant. Ch. Taschereau, (1.) and Pierre Elz. Taschereau, (1.); *Megantic*, † John G. Clapham; *Lotbinière*, Louis Méthot, (1.) and J. Bte. Isaïe Noel, (1.); *Nicetlet*, Laurent Bourdages; J. Bte. Proulx, (4.); *Drummond*, Ed. Toomy, (1.); *Sherbrooke*, Barth. C. A. Gugy, (1.) and † John Moore; *Stan-*

Chap. met on the 21st February, 1835, and the Assembly,
 xxxv. having re-elected Mr. Papineau their speaker, by a

1835. *stead*, Marcus Child, (1.) and † John Grannis; *Yamaska*, L. G. de Tonnancour, (1.) and † Edmund B. O'Callaghan; *St. Hyacinthe*, Louis R. Blanchard, (1.) and † Thomas Bouthillier; *Bourg de Wm. Henry*, † John Pickle; *Richelieu*, Jacques Dorion, (1.) and C. C. S. de Bleury, (1.); *Rouville*, Pierre Carreau, (1.) and † Pierre M. Bardy; *Shefford*, Samuel Wood, (1.) and † A. Wells; *Missisquoi*, † Wm. Baker, and † E. Knight; *Verehères*, Pierre Amiot, (7.) and Jos. Toussaint Drolet, (1.); *Chambly*, Ls. Michel Viger, (1.) and † Ls. Lacoste; *Laprairie*, J. Moise Raymond, (3.) and † Jos. N. Cardinal; *Acadie*, C. O. Cote, and † Merritt Hotchkiss; *Beauharnois*, Chas. Archambault, (1.) and Jacob Dewitt, (1.); *Comté de Montréal*, Louis J. Papineau, (10.) † Come Séraphim Cherrier; *Ville de Montréal*, (Est.) J. Leslie, (2.) and † Joseph Roy; *Ville de Montréal*, (Ouest) L. J. Papineau, (10.) and † Robert Nelson; *Vaudreuil*, Charles Rochon dit Larocque, (1.) and † C. O. Perrault; *Outaouais*, † Baxter Bowman, and † James Blackburn; *Deux Montagnes*, Wm. Henry Scott, (2.) and J. Jos. Girouard, (1.); *Terrebonne*, L. H. Lafontaine, (2.) and † Sér. Bouc; *Lachenaie*, F. Courteau, (2.) J. M. Rochon, (2.); *L'Assomption*, Ed. Et. Rodier, and † J. B. Meilleur; *Berthier*, Jacques Deligny, (6.) and Alexis Mousseau, (4.) *Saint-Maurice*, Pierre Bureau, (5.) and Valère Guillet, (1.); *Bourg des Trois Rivières*, Dr. Jos. René Kimber, (1.) and † Ed. Bernard; *Champlain*, Ol. Trudelle, (1.) and P. A. Dorion, (1.); *Portneuf*, F. X. Larue, (3.) and H. S. Huot, (1.); *Comté de Québec*, Louis T. Besserer, (1.) and † Jean Blanchet; *Haute Ville de Québec*, † René Ed. Caron, and † Amable Berthelot; *Basse Ville de Québec*, Geo. Vanfelson, (1.) and † Hypolite Dubord; *Oriéans*, J. Bte. Casault, (1.) and Alexis Godbout, (1.) *Montmorenci*, Elzear Bedard, (1.) *Saguenay*, André Simon, (1.) Xavier Tessier, (1.)

LEGISLATIVE COUNCIL.

The Honorable Jonathan Sewell, Chief Justice of Lower Canada, Speaker, Hon. & Rt. Rev. C. J. Stewart, Lord Bishop of Quebec, The Honorable John Hale, Sir John Caldwell, Bart., 94 H. W. Byland, James Cuthbert, Charles Wm. Grant, Pre. Dom. Debartzch, Thomas Coffin, Roderick Mackenzie, Lewis Gagy, W. B. Felton, Matthew Bell, John Forsyth, John Stewart, Toussaint Pothier, Samuel Hatt, Denis B. Viger, Louis Guy, George Moffatt, Roch de St. Ours, Peter McGill, John Molson, M. P. de Sales Laterrrière, Frs. X. Malhiot, Jean Dessaulles, Barthelemi Joliette, Pierre de Rocheblave, Robt. Harwood, Ant. G. Couillard, Robert Jones, James Baxter, Frs. Quirouet, Joseph Masson. 13 C-7

EXECUTIVE COUNCIL.

The Honorable and Right Reverend C. J. Stewart, Lord Bishop of Quebec, The Honorable William Smith, C. E. Chaussegros de Léry, A. W. Cochran, John Stewart, Dominique Mondelet, Hugues Heney.

Assembly,
Speaker, by a

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St. Hyacinthe,
Bourg de Wm.
(1.) and C. C. S.
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Amiot, (7.) and
Viger, (1.) and
† Jos. N. Cardi-
Beauharnois,
té de Montréal,
Ville de Mont-
le de Montréal,
audreuil, Char-
lt; Outaouais,
Montagnes, Wm.
onne, L. H. La-
teau, (2.) J. M.
J. B. Meilleur;
au, (4.) Saint-
(1.); Bourg des
Ed. Bernard;
; Portneuf, F.
Québec, Louis T.
Québec, † René
de Québec, Geo.
Bte. Casault,
r Bedard, (1.)

of Lower Ca-
rd Bishop of
ldwell, Bart.,
nt, Pre. Dom.
wis Gury, W.
art, Toussaint
George Moffatt,
de Sales La-
emi Joliette,
lard, Robert

Lord Bishop
aussegros de
elet, Hugues

vote of 70 in his favor against 6 for Mr. Lafontaine, (who had been put in nomination contrary to his wishes) lost no time, after hearing the Governor's speech, to take into consideration the state of the Province, going into committee of the whole House daily on the subject. A bill was introduced for the appointment of an Agent of the Province in the United Kingdom, a blank being left in it for the name of the person who should be chosen for the purpose, and which was subsequently supplied with that of Mr. Roebuck.

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The Governor's speech in opening the session was as follows:—

"Gentlemen of the Legislative Council,

"Gentlemen of the House of Assembly,

"It was my intention to meet you on the day appointed by the Royal proclamation of the 16th December, 1834, for the assembling of the Provincial Parliament for the despatch of business.

"I had already received some important communications upon subjects deeply affecting the vital interests of the Province, which for some months past have engaged the serious attention of His Majesty's government, and in relation to which it was desirable that I should be in possession of their instructions previous to the meeting of the Provincial Parliament, when the official intelligence reached me of a change having taken place in His Majesty's Councils: whereupon the meeting of the Provincial Parliament was postponed to the present day, in order to afford time for the receipt of the instructions to which I have alluded.

"The recent changes in His Majesty's Councils must unavoidably have delayed the transmission of these instructions which have not yet been received by me, and although I still consider it desirable that I should be in possession of them previous to the assembling of the Provincial Parliament, I have never-

Chap. theless judged it expedient now to call you together
 xxxv. under the apprehension that the public service might
 1835. be exposed to serious inconvenience by further delay.

“I have received from His Majesty’s government, official information of the passage of a bill in the Imperial Parliament relating to the Post Office Department in His Majesty’s dominions in North America; and I received at the same time the draft of a bill in relation to that department to be submitted to your consideration, which shall be done at an early period of the present session.

“Previous to the opening of the navigation of the River Saint Lawrence, in the spring of last year, I deemed it expedient to re-establish the Quarantine Station at Grosse Isle. I will at an early period of the session, bring under your notice the measures which were adopted on that occasion:—They will be found similar to those adopted and acted upon during the two preceding sessions, and subsequently sanctioned by the two branches of the Legislature in the last session, and the session before the last.

“The failure of the supply bill in the session before the last; the separation of the Legislature after the last session, without having passed any bill of supply; and the inadequacy of the funds permanently appropriated, and placed by law at the disposal of the Crown for defraying the expenses of the civil government, and the administration of justice, to effect more than the payment of a limited proportion of those expenses, could not fail to create the most serious embarrassments in carrying on the ordinary and indispensable operations of government. Under these circumstances it was deemed expedient by His Majesty’s government to direct the issue from the military chest of a sum equal to thirty-one thousand pounds, sterling, for the purpose of mitigating those embarrassments, by the payment in part of the salaries and contingent allowances of the judges and

other public officers of the Crown, who, in consequence of the non-payment of their salaries and contingent allowances, had been long suffering extreme distress and serious inconvenience; and His Majesty's government feel convinced that out of the supplies which they trust will be voted by the Legislature of Lower Canada, the advance from the military chest will be cheerfully repaid.

"Gentlemen of the House of Assembly,

"I recommend to your early consideration the expediency of making provision for the repayment of the advance made in pursuance of the instructions of His Majesty's government, from the military chest, equal to the sum of thirty-one thousand pounds sterling, which advance has been applied to services which are absolutely necessary in carrying on the ordinary administration of justice and other indispensable operations of government.

"The accounts of the expenditure of the year ending 10th October last, and an estimate of the expenses for the current year, will be laid before you at an early period of the session.

"Gentlemen of the Legislative Council,

"Gentlemen of the House of Assembly,

"I have now only to recommend to you to proceed with diligence in the discharge of your important duties as legislators, and to express my earnest desire that the present Parliament, which is now assembled for the first time, may hereafter be distinguished for the benefits conferred by it on the Province."

Before proceeding to business, His Excellency's speech in proroguing the previous session was taken into consideration, and the following resolutions were passed on the subject:—

"Resolved, That any censure of the proceedings of this House on the part of another branch of the Legislature, or of the Executive government, is in violation of the statute in virtue of which this House

Chap.

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1835.

Chap. is constituted, an infringement of its privileges
 xxxv. which they cannot dispense with protesting against,
 1835. and a dangerous attack upon the rights and liberties
 of His Majesty's subjects in this Province.

“ Resolved, That that part of the speech of His Excellency the Governor-in-Chief addressed to this House on the 18th of March last, at the close of the last session, and which relates to the petitions addressed by this House to His Most Gracious Majesty, and to the two Houses of Parliament of the United Kingdom, on the state of the Province, complaining of grievances and abuses which exist in this Province, and indicating the means of remedying the same, is a censure on the part of the head of the Executive of this Province, of the proceedings of this House, which had acted as an equal branch of the Legislature, for divers good causes and considerations to itself known, for the benefit of His Majesty's subjects in this Province and of his government therein.

“ Resolved, that the said speech be expunged from the Journal of this House.

In the Address in answer to the Governor's speech it was observed:—

“ We regret in common with Your Excellency, the failure of the supply bill which passed this House in the session before the last. Last year the proceedings of this House were founded on the ancient practice of Parliament, and on the spirit of the Constitution itself, and on other considerations known to this House, for the benefit of His Majesty's subjects in this Province and of his government therein. We would regret that His Majesty's government should have resorted for defraying the expenses of the Civil Government and administration of justice to the application of any funds levied in this Province, which are of right and ought effectually to be under the control of this House. We

would also regret that any other funds should have been applied to the same purpose without the votes of this House, thus destroying the wholesome and constitutional influence which the people ought to have through their representatives over every branch of the Executive government. We however defer any further comment, in the hope that the communications which Your Excellency was pleased to announce, will render full justice to this House. Our determination on matters so essentially connected with the interests of our constituents and the peculiar privileges of this House, shall not fail to be guided by what we may conceive to be the constitutional rights of this branch of the Legislature, and for the welfare of the Province. We shall also receive with the same views the estimate of the expenses for the current year, which Your Excellency is pleased to say will be laid before us at an early period of the session.

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1835.

“We beg leave to assure Your Excellency that this House is ever disposed to apply itself with the utmost diligence to the discharge of its duties as representatives of the people, to whom we are to return to partake in their lot.

“It is in that solemn capacity, and after a recent election, that we think it our duty respectfully to declare to Your Excellency, that the great body of the people of this Province without distinction, consider the extension of the elective principle, and its introduction into the constitution of the Legislative Council in particular, the full and unimpeded enjoyment by the Legislature of this Province and by this House of their legislative and constitutional rights, and the reparation of all grievances and abuses, as essential to the wants, condition and happiness of His Majesty’s faithful Canadian subjects, and necessary to strengthen their confidence in His Majesty’s government. We also most respectfully pray Your Excellency to be pleased to convey to His Most

Chap. Gracious Majesty this our humble but firm opinion,
 XXXV. so that His Majesty and his parliament may remove
 1835. the causes which have impeded the prosperity of the
 Province, and secure for the future the welfare and
 content of its inhabitants under the government of
 His Majesty.

With this address, the Assembly waited upon His
 Excellency, who drily answered:—

“*Mr. Speaker, and*

“*Gentlemen of the House of Assembly,*

“It has been my custom, as well as that of, I be-
 lieve, all my predecessors in office, to transmit to the
 Secretary of State for the Colonial Department, a
 copy of the Address of the House of Assembly in
 answer to the Speech of the Governor, or person ad-
 ministering the government, at the opening of each
 session, and this shall be done in like manner in the
 present instance.”

Before the presentation of the above had taken
 place, an address to the King had been agreed upon
 in committee of the whole House on the state of the
 province, and was concurred in by the house. It
 was as follows:—

“TO THE KING’S MOST EXCELLENT MAJESTY.

“May it please Your Majesty,

“We, Your Majesty’s faithful and loyal subjects,
 the Commons of the Province of Lower Canada, in
 Provincial Parliament assembled, most respectfully
 approach Your Majesty to expose:

“That during the last session of the Imperial Par-
 liament, the Commons of the Province of Lower
 Canada, in the name of the people whom they repre-
 sent, approached Your Majesty by petition, dated
 from Quebec, on the first day of March, one thousand
 eight hundred and thirty-four, setting forth the griev-
 ances which the people of the said Province suffered,
 arising out of the vicious principles upon which their

political institutions are based, aggravated by a series of arbitrary administrations to which the Province has been subjected.

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“That the enquiry which was instituted before a select committee appointed by the Honorable the House of Commons upon Canada affairs, on the 15th of April, one thousand eight hundred and thirty-four, induced the people of Lower Canada to hope, that not only would the prayer of their petition be listened to, but that the grievances therein set forth, which your petitioners have reason to believe were fully supported, would be immediately redressed.

“That this hope, which your petitioners cannot deem unreasonable, was still further strengthened by the retirement of Your Majesty’s late Secretary of State for the Colonies, the Right Honorable E. G. Stanley, and the subsequent appointment of the Right Honorable T. Spring Rice, the more especially after the repeated declarations of the Right Honorable the Secretary of State for the Colonies, that Your Majesty’s government was actuated by the strongest desire to render justice to the people of this Province, by removing the various abuses under which they suffer, and affording to them security against the recurrence thereof.

“That your petitioners, however, regret to state that not only does the said petition of the Commons of Lower Canada to Your Majesty, seem to have been totally neglected, but that new abuses have been inflicted upon the people of this Province, which, if not speedily removed, will tend to increase, to an alarming degree, the discontents which have so long prevailed, and will ultimately alienate the affections of the people even from the government of England itself.

“That among the additional grievances of which the people of this Province have to complain, your petitioners would invite the attention of Your Majesty

Chap. to the fact, that His Excellency Matthew Lord Aylmer, is still continued in the government of this Province, after having been formally accused, in the aforesaid petition, of 'illegal, unjust and unconstitutional conduct,' and after having borne himself towards the representatives of the people of Lower Canada, in a manner insulting to a body intrusted with legislative functions, and destructive of the respect which should be due to Your Majesty's representative.

"That the acts of the Governor in Chief, of which the people of this Province have still to complain, were, for the most part, enumerated in the aforesaid petition to Your Majesty; that since that time, the vindictive and bitter feelings, together with the arbitrary and unbecoming conduct which His Excellency has displayed towards the people of this Province, have created an universal feeling of discontent towards His Excellency's administration.

"That among the just subjects of complaint against the present administration of this Province, the system which is exhibited in the distribution of offices, necessarily holds a conspicuous place; that the chief recommendation to office continues to be a display of marked and bitter animosity towards the majority of the people of this Province; that it is seldom men of French Canadian origin find their way into office under any circumstances; but when they are appointed, it is not until they have alienated themselves from the sympathies of the people, and allied themselves with the factious minority opposed to the wishes and interests of the country; and that even the sacred character of justice has been recently polluted in its source, by the appointing to the high office of Judge of the King's Bench for the district of Montreal, a man who was a violent and decided partisan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is

sworn to administer ; and also by the appointment of a great number of commissioners for the trial of small causes, in different parts of the country, intentionally selected on the eve of a general election, from among the notorious partisans of the present administration.

“ That another cause of complaint which has arisen since the aforesaid petition of the Commons of Lower Canada to Your Majesty, is the culpable indifference betrayed by the Governor in Chief on the subject of the frightful ravages committed by the Asiatic cholera, during the last summer ; that a few days after the existence of the dreadful scourge in the city of Montreal was ascertained, the Corporation of the said city, in accordance with its strict line of duty, passed a series of resolutions, authorizing an application to the Governor in Chief, for an extension of the quarantine regulations to the port of Montreal, and for an aid for the purpose of forwarding the destitute emigrants to their destination ; that the answer of the Governor was more than a bare refusal,—it was marked with coolness and insult ; that your petitioners are firmly of opinion, that the virulence which the disease subsequently assumed in the said city of Montreal, would have been considerably mitigated, had the head of the administration complied with the prayer of the Corporation ; and that the people of the country generally, and more especially the surviving relatives of the one thousand three hundred victims who died in Montreal, and of the thousands in the Province who have fallen victims to the disease, look upon the conduct of His Excellency as one of the principal causes of their suffering and bereavement.

“ That since the aforesaid petition of the Commons of Lower Canada, Your Majesty’s government in opposition to the prayer of the said petition, as well as to the numerous representations on that subject submitted to Your Majesty by the House of Assembly,

Chap. and by several of its authorized agents, has sanctioned
 xxxv. the sale of lands belonging to this Province, to several
 1835. individuals using the title of the 'British North
 American Land Company;' and your petitioners also
 have reason for believing that Your Majesty's gov-
 ernment have, likewise, sold to the individuals afore-
 said, extensive tracts of land belonging to this Pro-
 vince, and thereby have taxed this colony, contrary
 to the most important and indisputable of the birth-
 rights of British subjects, which were more particu-
 larly acknowledged, and confirmed to colonies with
 local legislatures, by the faith and honor of the
 British Parliament, pledged by the declaratory act of
 one thousand seven hundred and seventy-eight, the
 violation of which principle recognized in said act,
 led to the rightful and successful resistance of the
 former British colonies, and dismemberment of the
 British empire. That your petitioners, viewing with
 alarm such an encroachment upon their political pri-
 vileges, would feign believe that it has been made
 without considering their constitutional rights, and
 the provisions of said declaratory act; that your pe-
 titioners, nevertheless, solemnly protest against this
 violation of the most sacred rights of the people of
 Lower Canada, and pray Your Majesty to recommend
 to your parliament the immediate repeal of the act
 passed in favor of the said land company; that your
 petitioners have reason to believe that the said tax is
 now being paid into the colonial chest of this pro-
 vince, for the disposal of the Executive, without the
 sanction, and in defiance of the expressed will of the
 Commons of Lower Canada; that your petitioners
 anticipate with fear, as a consequence thereof, a
 frightful increase of corruption in this Province; that
 in addition to the fears generated by this unconstitu-
 tional taxation, and the equally unconstitutional ap-
 plication of the said tax, your petitioners foresee,
 arising out of the peculiar powers conferred on the

Company in question, the destruction of the political independence of the people who may unfortunately become subject to its control, and who will be rendered basely subservient to the said company. Chap. XXXV. 1835.

“That the continued dilapidations of the revenues of the Province, in direct violation of the constitution, are another source of alarm to Your Majesty’s Canadian subjects; that after the abandonment of the late Colonial Secretary’s project to seize upon the said revenues by suspending an act which did no more than confirm to the Commons of Lower Canada a right previously recognized, without conferring any new privileges, Your Majesty’s Canadian subjects did not expect to be so soon called upon to resist similar unconstitutional encroachments and dilapidations; yet very recently the indisputable privileges of the Assembly have been again violated by the payment of the public servants, without the sanction or cognizance of the only body authorized to give such sanction.

“That the people of the old colonies, now the United States of North America, however much they were agitated by attempts at unconstitutional taxation, had much less to complain of on the score of executive usurpation, than the people of this Province; the Assembly having repeatedly declared its fixed determination not to sanction that which it must ever consider a tyrannical violation of its rights, and which the people of this Province regard as a virtual dissolution of the constitution, and for the consequences of which your petitioners cannot answer.

“That under these circumstances, your petitioners claim for Your Majesty’s Canadian subjects, Your Majesty’s protection against these and similar acts of pillage, that Your Majesty may and ought at once to ascertain, in order to bring to just punishment, those who authorized so criminal an assumption of power.

Chap. "That inasmuch as no session of the Provincial
xxxv. Parliament has intervened since the date of the afore-
1835. said petition of the Commons of this Province to
Your Majesty, your petitioners abstain from alluding,
at any length, to the insuperable differences and the
ever widening breach between the House of Assem-
bly and the Legislative Council of this Province,—
differences springing out of the very constitution of
the latter body : nevertheless, your petitioners cannot
avoid reminding Your Majesty, that the aforesaid
petition contained a prayer that the Legislative Coun-
cil, as at present constituted, be abolished, and that
the people of this Province be empowered to elect
the second branch of the legislature in future, as the
only means of producing that harmony, without which
internal peace and good government cannot exist.

"That as an evidence that the people at large fully
participate in the opinions of the majority of the
House of Assembly, your petitioners take leave to
refer Your Majesty to the result of the recent elec-
tions in the said Province of Lower Canada, which
avowedly turned upon the approval or the disap-
proval of the elective principle, and which result is
almost unanimously in favor of the said principle." *

Similar addresses to the two Houses of the Im-
perial Parliament were drawn up and forwarded to
Mr. Roebuck for presentation. The Governor was
requested by address from the Assembly to forward
that to His Majesty, with which he readily complied.

The Governor sent down, on the 3d of March, the
following message :—

"The Governor in Chief in the speech with which
he opened the present session, recommended to the
early consideration of the House of Assembly the
expediency of making provision for the repayment
of a sum equal to thirty-one thousand pounds ster-
ling, which, in obedience to the instructions of His

* See at the end of the Chapter an interesting analysis of this sub-
ject, by Jacques Viger, Esq., of Montreal.

Majesty's government, had been issued from the military chest, and applied to services which are absolutely necessary in carrying on the ordinary administration of justice, and other indispensable operations of government; and he now transmits a detailed account of the disbursements of the advance so made from the military chest. It will be observed, that that advance has been applied to the liquidation of the balance remaining unpaid on account of the estimate for the year ending the 10th October, 1833, of the expenses of the civil government and the administration of justice; a part only of which expenses had been defrayed out of the funds permanently appropriated, and placed by law at the disposal of the Crown, for the administration of justice and the support of the civil government; and the Governor in Chief takes this opportunity of renewing to the House the expression of the reliance of His Majesty's government on their liberality in providing for the repayment of the advance in question."

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The Assembly being in want of funds to defray the contingent expenses of the House, current and in arrears, addressed His Excellency, as at the previous session, for an advance of eighteen thousand pounds, currency, assuring him that they would make good the amount, if the fund by law appropriated towards defraying the expenses of the legislature should prove inadequate. To this he answered to the messengers bearing the address, that it appeared to him that a full and unqualified compliance with the prayer of their address involved questions of great importance, in a constitutional point of view, and imposed a weighty responsibility, under existing circumstances, upon the individual at the head of the Executive government,—“it becomes my duty, therefore, to take “the subject of this address into my most serious “consideration, and deliberately to examine it in all “its bearings. This I will do, and the result will be “communicated to the Assembly by message.”

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The answer was referred to a committee of the whole House, by which a series of resolutions was adopted on the subject. The concluding resolution persisted "in demanding the impeachment of His Excellency the Governor in Chief," as insisted upon by the Assembly in its addresses to His Majesty and the two Houses of Parliament, dated 1st March, 1834, and in its resolutions (the 92) of 21st February of the same year.

"Resolved, That on the 18th January, 1834, His Excellency, the present Governor in Chief, refused to issue his warrant to the Receiver General authorizing the advance in pursuance of an address of this House of a sum of £7000 currency, for the purpose of meeting the contingent expenses thereof.

"Resolved, That upon the said refusal, this House did, on the 21st February next following, resolve among other things, " That this House possesses of right and has exercised within this Province, when occasion has required it, all the powers, privileges and immunities claimed and possessed by the Commons House of Parliament in the United Kingdom of Great Britain and Ireland :"—" That from the year 1792 to the present, advances have constantly been made to meet the expenses aforesaid, on addresses similar to that presented this year by this House to the Governor in Chief, according to the practice adopted by the House of Commons ; that an address of this kind is the most solemn vote of credit which this House can pass, and that almost the whole amount of a sum exceeding £277,000 has been advanced on such votes by the predecessors of His Excellency the Governor in Chief, and by himself, without any risk having been incurred by any Governor on account of any such advances, though several of them have had differences, attended by violence and injustice on their part, with the

“House of Assembly :”—“That this refusal of the Governor in Chief essentially impedes the despatch of business for which the Parliament was called together, is derogatory to the rights and honor of this House, and forms another grievance for which the present Administration of this Province is responsible ;” which said assertion this House now repeats.

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“Resolved, That although the Governor in Chief in his message of the 18th January, 1834, communicating his said refusal, declared that this course was, as he was firmly persuaded, in perfect accordance with the spirit of the constitution, and was moreover one from which under existing circumstances no consideration of expediency could justify him in departing, yet this House seeing His Excellency still retain the government of the Province, and call together the Parliament thereof for the despatch of business, was led to believe that he did so seriously and in good faith, and that he was prepared to advance to this House the sums necessary to enable it to pay the numerous debts it had incurred for the despatch of business, and to meet its daily expenses for the same purpose.

“Resolved, That as the great inquest of this Province, it is the duty of this House to enquire concerning all grievances, and all circumstances which may endanger the general welfare of the inhabitants of this Province, to the end that such representations may be made, or such legislative measures introduced as may lead to the redress of such grievances, remove the danger, or allay such alarm, and may assure to His Majesty’s subjects in this Province that protection and safety which they have a right to expect from the labors and deliberations of this essential branch of the constitution in which alone their rights, their interests, their wishes and their wants are represented.

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“ Resolved, That in the discharge of these important duties during the two last sessions of the Provincial Parliament, and during the present, this House has incurred debts to the amount of more than £15,000 currency, in procuring the attendance of witnesses and the production of documents, for the services of its ministerial officers, clerks and messengers, and for printing, and other indispensable and daily expenses, forming the contingent expenses of this House, that the sittings of this House cannot be continued for a single day without its contracting new debts for the same purposes; and that this circumstance, aggravated by the impediment occasioned by the debts it has already contracted, renders it impossible for this House to meet its future contingent expenses, and proceed to the despatch of business, so long as the Executive shall continue to refuse it means of so doing.

“ Resolved, That far from having a right to impede the exercise of the rights and privileges of this House, and to impede its proceedings, the Governor in Chief is deputed by his Sovereign, is invested with great powers, and receives a large salary, as much for defending the rights of the subject, and facilitating the exercise of the privileges of this House, and of all constituted bodies, as for maintaining the prerogatives of the Crown; and that to pretend to control or restrict this House with regard to its contingent expenses, which are the unavoidable result of its being called to meet in Parliament, is to subject it to the power of the Executive, and to confine its proceedings to such parts of the public business as it may please the latter, under the pretext that such and such proceeding on the part of this House would occasion too great an expense.

“ Resolved, That this House having by its address dated on the 2nd of the present month, prayed that His Excellency the Governor in Chief would advance

the sums necessary to enable it to pay the arrears due by it, and to defray its contingent expenses during the present session, His Excellency, on the 5th of the present month, returned the following answer to the messengers appointed by the House :—

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“ Gentlemen,—I desire that you will inform the House of Assembly that it appears to me that a full and unqualified compliance with the prayer of their address for the issue of £18,000, on account of their contingent expenses, involves questions of great importance in a constitutional point of view, and imposes a weighty responsibility, under existing circumstances, upon the individual at the head of the Executive government of the Province.

“ It becomes my duty therefore to take the subject of this address into my most serious consideration, and deliberately to examine it in all its bearings; this I will do, and the result shall be communicated to the Assembly by message.”

“ Resolved, That when His Excellency called together the Provincial Parliament for the despatch of business, he must necessarily have expected that such an advance would be asked for during the first days of the session, and have been prepared to give a definitive answer on the subject; and that this circumstance combined with the declaration made by him on the 18th January, 1834, that he was firmly persuaded that his refusal was in perfect accordance with the spirit of the constitution, and that no consideration of expediency could justify him in departing from it, leads necessarily to the conclusion that the evasive answer given by His Excellency on the 5th of the present month, is to be considered as a repetition of his refusal, and as being derogatory to the honor and the constitutional rights of this House; and that His Excellency has since that time, under vain pretexts and for purposes to himself known, delayed giving any further explanation with regard to the prayer of the said address.

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“ Resolved, That this conduct on the part of the head of the Executive renders it impossible for this House to proceed with its legislative and constitutional business ; compels it to suspend a number of measures of the highest importance brought forward for the welfare and benefit of the country ; prevents the introduction of new ones ; and places this House with respect to its officers, servants and tradesmen, and others to whom it is indebted, in a position derogatory to its dignity and honor.

“ Resolved, That this House expecting no co-operation of the other branches of the Legislature in the labor of a session calculated to promote the welfare of the country, cannot dispense with protesting, previously to the suspension of such labors which it has become impossible for it longer to continue, against an act of the Executive government, by which the letter of the constitution is eluded and its spirit violated ; and that in the meanwhile and until the people of the Province can be effectively protected by the labors of the Legislature thereof, this House persists in demanding the impeachment of His Excellency the Governor in Chief of this Province, and perseveres in the allegations and in the prayer of its addresses and petitions to His Majesty and to the two Houses of Parliament of the United Kingdom, dated the first March, 1834, and in its resolutions of the 21st February of the same year, on which the said addresses and petitions were founded.

The same day (5th March) on which the Governor sent the above answer to the application of the Assembly for funds, he also sent them a message stating, in reference to that part of his speech, at the opening of the session, wherein the House of Assembly is informed that previous to the meeting of Parliament he had received communications from His Majesty's government upon subjects of vital in-

terest to the welfare of the province, he now trans-
mitted the documents alluded to for the information
of the Assembly. Of these, the only one of interest
is the following from Mr. Spring Rice, Secretary
for the Colonies:—

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Downing Street,
29th of June, 1834.

My Lord.

“When called upon to undertake the duties of the Office to which His Majesty has been graciously pleased to appoint me, Your Lordship will readily believe that the affairs of Lower Canada were among the very first subjects to which my attention was necessarily directed. The importance of that most interesting Colony, the earnest anxiety which His Majesty feels, and which both Houses of Parliament have evinced for the happiness and well-being of all classes of His Majesty’s Canadian subjects, and my earnest desire to take such steps in the discharge of my responsible duties as are best calculated to advance the real and substantial interest of all His Majesty’s colonial possessions, would have been sufficient, under ordinary circumstances, to have induced me to examine the condition of the Province of Lower Canada most carefully. But I regret to think that the transactions which have taken place in Lower Canada within the last years, have to these motives added others of a strong but of less satisfactory nature; and force it to be not only necessary, but most urgent, to form a decision, and to communicate that decision to Your Lordship.

“You are doubtless apprized of the fact that, on the 15th April, a Select Committee of the House of Commons was appointed “to enquire and report “how far the grievances complained of on the part “of certain inhabitants of Lower Canada, have been “redressed, and how far the recommendations of the “Committee which sat thereon in 1828, have been

Chap. "complied with on the part of His Majesty's govern-
 xxxv. "ment ; and to enquire into the matter of certain
 1835. "other grievances not then brought under the con-
 "sideration of the House." This Committee was
 composed of all the members of the former Canada
 Committee of 1828, who continue to have seats in
 the House of Commons ; together with such ad-
 ditional names as seemed best calculated to ensure
 the fairest and the most attentive consideration of
 the whole subject, and to pronounce a decision that
 could not but be felt as authoritative and impartial.

"In the mean while my predecessor had given
 notice of his intention to move for leave to bring in
 a bill "to suspend the operation of the 1st and 2nd
 "Wm. IV. cap. 23, in so far as relates to the charges
 "of the Civil Government in Lower Canada."

"The Select Committee has met, and has continued
 its enquiries with the greatest zeal and industry.
 The most important questions to be examined by
 them have been—on what principle have the Govern-
 ment acted in the affairs of Lower Canada—and,
 have the Government earnestly and sincerely endea-
 voured to carry into effect the recommendations of
 the Canada Committee.

"Such being the questions to be examined, it was
 truly stated by Mr. Stanley, that the Government, of
 which he formed part, and the two preceding Se-
 cretaries of State were put on their trial, and were
 called upon to defend themselves against serious
 accusations before a tribunal of the most unquestion-
 able intelligence, impartiality and independence.

"In order to give the Committee a full opportunity
 of forming the best estimate of the intentions and
 of the acts of the Government, my predecessor felt
 it his duty to lay before them, without the least
 reserve, all the despatches and letters addressed to
 or written by this department, and which bear on
 the points under discussion. Not only have no

objections been made to the production of any papers moved for, but very many documents, not generally considered as public and official, have been communicated to the Committee, and the strictest examination and scrutiny into their contents have been frankly invited. In like manner every facility has been offered for the examination of any witness from whose testimony valuable information could be anticipated, and the enquiry has been prosecuted with the utmost candor and good faith.

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“Although the Committee have not yet closed their labors, yet as it is of extreme importance that Your Lordship should have the earliest intimation of the course of proceedings here, and of the intentions of His Majesty’s government, in reference to Lower Canada, I feel myself not only justified, but bound to state what I have every reason to believe may be the judgment of the Committee.

“From the discussions which have already taken place, I feel confident that an opinion will be expressed that there has existed on the part of this Office the most earnest desire to carry into execution the suggestions of the former Committee;—that the endeavours of the government to that end, have been unremitting, and guided by a desire in all cases to promote the interests of the Colony;—and that in many most important particulars, the recommendations of the Canada Committee have been carried fully into effect.

“The Committee will probably add some expressions of regret, that these measures have not been as yet successful; but that heats and animosities between the two branches of the Legislature, and between the House of Assembly and the Government, arising, as may be hoped, from misconceptions, have led to the present state of things.

“I cannot but think that a judgment so conclusively given in favor of the conduct and policy of the

Chap. Government, acquiesced in, as I believe it is likely
 xxxv. to be, by the advocates of the more peculiar views
 1885. taken by the majority of the House of Assembly,
 must produce a most favorable impression on the
 public mind in Canada.

“ Under these circumstances, I have felt it my duty to consult my colleagues in respect to the Suspension Bill of which notice was given, but which bill has not as yet been introduced into the House. To a measure of that description it is perfectly true that the Imperial Legislature may yet, however reluctantly, be driven ; but as it involves a departure, though not from the agreement intended to be made, yet from the agreement concluded by the strict construction of the 1st and 2d Wm. IV., I am most unwilling that such a step should be taken till all the means of amicable arrangement have been exhausted. In this opinion the confidential advisers of His Majesty concur, and it therefore becomes my duty to inform Your Lordship, that it is not my intention, during the present session, to proceed with the bill of which notice has been given.

“ I do not by this statement mean to preclude myself from the power of considering hereafter, either that bill or some measure of the same character, should events render such a course inevitable. But I sincerely trust that such a contingency may not arise, as I cannot abandon the hopes that this question may yet be satisfactorily arranged, and that the necessity for any such measure may be averted.

“ Accepting the Seals of the Colonial Department as I have done in the midst of the discussion of this and other most difficult questions, and at a period when the introduction of the projected Suspension Bill has not as yet been sanctioned by the House of Commons, and this too at a time when the session is approaching to its termination, I must confess that I felt a repugnance to taking a step in justification of which I could scarcely plead the authority and

responsibility of my predecessor, and respecting Chap. which I had not the opportunity or means of forming ^{xxxv.} a deliberate judgment of my own. I am also most ^{1835.} unwilling to assume that the new House of Assembly, which is about to be assembled after the next elections, will be indisposed to listen to the just claims of a government which has, and can have no object more at heart than the promotion of the best interests of Lower Canada and the protection of the loyal inhabitants of that Province of all classes, in the peaceful enjoyment of their political and personal rights.

“To these objects I shall earnestly and most seriously apply myself with every disposition to advise and to sanction all such measures as may promote the progress and improvement of industry, of commercial wealth, and of civil concord among His Majesty’s faithful Canadian people.

“I am aware that this determination will render it necessary to provide for the sums due to persons administering civil functions in the Province. In the mean while I can with truth assure Your Lordship that the pressure to which individuals may be subject is one of the considerations which renders the course I have taken one extremely distressing and painful to myself, and one which I should feel reluctant at adopting, were it not for the paramount interests which are at stake, and the important principles which might be involved in any different determination.

“Considering it to be essential to the success of the effort which I am about to make, that all topics which may increase asperity or produce further estrangement may be avoided, I call Your Lordship’s attention to the principle on which the Select Committee is disposed to act ; namely, to exculpate fully the Government, which the evidence before them justifies them in doing ; but, at the same time, to avoid the crimination of other parties. As far as is

Chap. practicable, I should be disposed to look forward for
 xxxv. the purposes of reconciliation and peace, rather than
 1835. look back on events which are past, except where
 such retrospect is actually indispensable for our
 guidance and our instruction. It is beyond all mea-
 sure important that individuals who may heretofore
 have made strong declarations on the subjects in
 dispute, should not be chained up to their expressed
 opinions ; but that all parties should be allowed and
 encouraged to resume these discussions in that temper
 of calmness and moderation which may lead to a
 just and a satisfactory result. Confiding in Your
 Lordship's discretion in acting on the spirit of this
 communication,

I have the honor to be,

My Lord,

Your Lordship's

Most obedient humble servant,

“(Signed,)”

T. SPRING RICE.

The Governor, on the 9th of March, sent down a message, with a statement of the salaries remaining unpaid of the several items of expenditure of the civil government for the year 1834, expressing his reliance on the liberality of the Assembly for the necessary supplies for those services. He transmitted, at the same time, the accounts of the revenue and expenditure of the preceding year. He sent down, on the following day, the estimates for the current year, made up, he observed, on the same principle as the two last years, adding that he confidently relied upon the liberality of the House of Assembly to provide the necessary supplies. The sum called for was £57,618 sterling. The gross revenue of the year was £167,189, leaving, after deducting the expenses of collection, and £41,318 the proportion due Upper Canada, the net amount of £112,623 to Lower Canada, a sum short by upwards of £52,000 of that

of the previous year. These communications were totally disregarded by the Assembly, being neither referred nor taken up in any way.

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His Excellency sent down at the same time, though somewhat late, having, as previously stated, been censured by vote of the Assembly on the subject, his promised answer to their application to him for £18,000, to cover their contingent expenses.

“With reference to the address of the House of Assembly, presented to the Governor in Chief on the 5th instant, praying for the issue of his warrant for eighteen thousand pounds currency, to pay off the arrears due, and towards defraying the contingent expenses of the House for the present session, and to his answer, the Governor in Chief now communicates to the Assembly the result of his serious consideration, and deliberate examination of the subject of their address.

“The Governor in Chief desires in the first place to call the attention of the Assembly to the answer returned by him on the 18th of January 1834, to a similar address of the late House of Assembly, wherein the Assembly is informed that for the reasons stated in that answer, he declines incurring any further responsibility by an advance on account of their contingent expenses, until relieved by legislative enactment from the responsibility already incurred by him on account of advances amounting to nearly eight thousand pounds, made from the public funds of the province for defraying the contingent expenses of the House.

“It does not appear that any measure was adopted by the House to relieve the Governor in Chief from the responsibility above mentioned, although the Provincial Parliament remained in session during a period of two months after the communication of his answer.

“Neither does it appear that any step has been

Chap. taken by the present House of Assembly towards
 xxxv. relieving the Governor in Chief from that responsi-
 1835. bility.

“It is under these circumstances that the Assembly now comes forward with an application for a further advance to the extent of eighteen thousand pounds, which, if complied with to its full amount, would render the Governor in Chief responsible altogether for the sum of nearly twenty-six thousand pounds.

“Although fully sensible of the consequences to himself individually, when a compliance with the application of the Assembly exposes him under the peculiar circumstances of this case, the Governor in Chief can truly assert, that in deliberately examining the subject of the address of the Assembly in all its bearings, his attention has been chiefly directed to the consequences to the rights and interests of the people of this Province, which may result from his decision.

“In a statement of the contingent accounts of the House of Assembly for the year ending on the 31st December last, certain items of charge are introduced, which the Governor in Chief apprehends cannot, strictly speaking, be classed under the head of contingencies, as being for the payment of salaries and allowances of individuals appointed to office upon the single authority of the Assembly. The items of charge here alluded to are those for the allowances of the Honorable D. B. Viger, as agent of the House of Assembly, in England; and for the payment of the salary of the librarian appointed to that office by the House of Assembly.

“The Governor in Chief takes for granted that the above mentioned charges are included in the sum of eighteen thousand pounds now applied for by the Assembly.

“With regard to the first mentioned charge, namely, that which relates to the Honorable Mr. Viger the

Assembly is possibly not aware, that in the session of 1833, the Legislative Council in a petition to the King, asserted that "Mr. Viger had committed a "gross breach of the constitutional rights of the Legislative Council, by receiving a large annual salary from the Assembly, knowing the same to be without the sanction of the law, paid to him out of the public money advanced upon the single vote of that House for defraying its ordinary contingent expenses."

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"Moreover, upon the Journals of the House of Assembly of the session of 1834, a letter is recorded from Mr. Hay, (Under Secretary of State for the Colonial Department,) dated 15th May 1833, addressed to Mr. Viger, in which that gentleman is informed, that "His Majesty's Secretary of State for the Colonial Department would deem the admission of a permanent agent by one branch of the Legislature of a colony, as an innovation upon ordinary practice, inconvenient in its operation, and dangerous as a precedent."

"And in a subsequent letter, Mr. Viger is again informed, that Mr. Hay "has been desired to repeat that the Secretary of State cannot consent to receive him, (Mr. Viger,) in an official capacity."

"It is manifest, therefore, that the Governor in Chief by issuing his warrant for the payment of any sum in which the allowances of Mr. Viger as agent of the Assembly in England, should be included, would not only constitute himself a party to an act which the Legislative Council declares to be "a gross violation of their constitutional rights;" but would also in so doing give the sanction of the King's authority in the Province, to an appointment distinctly repudiated by His Majesty's government at home.

"The other appointment above adverted to, that of librarian to the House of Assembly, with a fixed

Chap. salary attached to it, upon the single authority of
 xxxv. the Assembly, appears to the Governor in Chief to
 1835. be one which cannot be recognized by the Executive Government, without establishing a precedent pregnant with very serious consequences to the constitutional rights of the other branches of the Legislature,

“Very sincerely regretting the embarrassment in the prosecution of its labors which the actual state of the question relating to the contingent expenses of the Assembly has produced, and no less anxious to contribute to the removal of these embarrassments than to prevent, if possible, a recurrence of them in future, the Governor in Chief now recommends to the House of Assembly to adopt some measure for relieving him, by legislative enactment, from the responsibility incurred by him, amounting to nearly eight thousand pounds, as stated in his message to the Assembly of the 18th of January 1834; and also for the payment of the debts incurred by the Assembly, after deducting the charges on account of Mr. Viger’s allowances, whose appointment has not been recognized by His Majesty’s government, and has been solemnly protested against by the Legislative Council, and deducting also the salary of the librarian.

“The Governor in Chief, whose views in relation to the present application of the House of Assembly are precisely the same as those communicated by him on the 18th January 1834, to the last House of Assembly on a similar occasion, now desires the Assembly to be assured that upon being relieved from the responsibility which in the last session did attach, and which does still continue to attach to him, on account of his former advances for defraying their contingent expenses, he will be prepared to take into his immediate consideration the expediency of authorizing a further advance to meet the current

expenses of the Assembly, during the present session. Chap. XXXV. 1834.
 And with the view of avoiding further difficulties hereafter, the Governor in Chief recommends to the House of Assembly to take into its consideration the expediency of directing the proper officer to furnish the Inspector General of Accounts previous to the commencement of the usual annual session of the Provincial Parliament, with a detailed statement of the various items of the estimate for the contingent expenses of the Assembly, which hitherto has been stated merely in block.

"According to the practice which has until now obtained in regard to the estimates of the three branches of the Legislature, it appears that although the Legislative Council and the House of Assembly exercise a strict and vigilant control over the expenditure of the Executive branch of the Legislature, and require detailed statements of every item of its expenses, the Executive government and the House of Assembly exercise no control over the expenditure of the Legislative Council; neither do the Executive government and the Legislative Council exercise any control over the expenditure of the House of Assembly.

"In this particular instance, therefore, the principle of checks and balances which constitutes one of the most admirable features of the British Constitution, the model upon which the Constitution of Lower Canada was constructed, is altogether lost sight of."

The Assembly having, for several days successively, adjourned for want of a *quorum*, and it being obvious that no further business would be attended to, the Governor prorogued the Legislature on the 18th of March, sanctioning but one bill on the occasion, the only act passed during the session.

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xxxv. " *Gentlemen of the House of Assembly,*

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" It appears by the customary official reports transmitted to me daily by the Clerk of the House of Assembly, that for some days past the attendance of a sufficient number of members to constitute a *quorum*, has been wanting to enable the Assembly to proceed to business ; and as it may be inferred from some recent proceedings of the Assembly that no further business will be transacted in that branch of the Provincial Parliament, I can no longer feel justified, notwithstanding my great anxiety to prolong the present session, in detaining from their homes and usual occupations, those members of the two Houses of the Provincial Parliament who may be disposed to persevere in the performance of their legislative duties.

" *Gentlemen of the House of Assembly,*

" I have upon this occasion only to express my regret, that the present session should have failed in producing those measures of relief in relation to the financial difficulties of the Province, which are so urgently required under existing circumstance.

" It would have afforded me much gratification, had I been enabled to report to His Majesty's government, that the responsibility so generously incurred, with the view of relieving in some measure the urgent wants of the public service, had ceased to exist, by the re-payment from out of the public funds of the Province, of the advance equal to Thirty-one thousand pounds sterling, made in pursuance of the instructions of the late Secretary of State for the Colonial Department, from the military chest.

" *Gentlemen of the Legislative Council,*

" *Gentlemen of the House of Assembly,*

" I informed you at the opening of the present Session that I was then in possession of important

communications, and that I expected to receive others from His Majesty's government, upon subjects of vital importance to the interests of the Province, The communications which were adverted to on that occasion, as having been received, have been since laid before you ; but I have not yet received those which I then informed you I expected to receive, and which I have reason to believe must now be near at hand. That the expected despatches will possess an extraordinary degree of importance to the general interests of the Province, and will require that communications should take place in relation to their contents, between the head of the Executive government, and the two Houses of the Provincial Parliament, can hardly admit of a doubt being entertained, when it is considered that the Committee of the House of Commons to whom were referred in the last session of the Imperial Parliament, certain matters relating to the affairs of this Province, including the Petition of the House of Assembly, dated the 1st March 1834, recommended with reference to the unhappy differences existing between the two branches of the Colonial Legislature, as well as between the House of Assembly and His Majesty's government, that the practical measures for the future administration of Lower Canada should be left to the mature consideration of the Government responsible for their adoption and execution.

"Under these circumstances, the premature termination of the session, which is now unavoidable, is an event deeply to be regretted."

The commitment of Mr. Jessopp, Collector of the Customs at Quebec, to prison, for an alleged contempt of the Assembly, deserves notice. It was ordered, on the second or third day after the opening of the session, by a resolution of the House, "that the Collector of the Customs for the Port of Quebec, do lay before this House, a return of all vessels that entered

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Chap. at said port with passengers during the year 1834,
 xxxv. stating the name of each vessel, and of the master,
 1834. her tonnage, the port from which she sailed, the
 number of persons taken on board, and the number
 landed exclusive of the crew."

In answer to this, the Collector addressed a note to the Clerk of the Assembly, expressing his regret that he did not feel himself authorized to furnish the return called for, unless under the order of the Governor in Chief; whereupon it was immediately voted, "that the refusal contained in the said letter is a breach of the privileges of this House." Mr. Jessopp was taken into custody of the Sergeant at Arms,—sued by order of the Assembly,—cast into prison, where he remained until relieved by the prorogation.

In the bill passed by the Assembly, appointing John Arthur Roebuck, Esquire, Agent in England for the Province, a salary was provided of £600 sterling, with an allowance of £800 more for contingencies. The bill was lost in the Legislative Council.

"1. Resolved, That it is the opinion of this Committee, that in the event of the bill passed by this House, yesterday, appointing John Arthur Roebuck Esquire, Agent for this Province, not becoming a law, the said John Arthur Roebuck, Esquire, be requested as Agent of this House, to represent to His Majesty's government the interests and sentiments of the inhabitants of this Province, and to both Houses of Parliament.

"2. Resolved, That it is the opinion of this Committee, that in case the said bill should not become law, it is right that the Clerk of this House should pay to the said John Arthur Roebuck, Esquire, or to his order, out of the monies appropriated for the contingent expenses of this House, a sum not exceeding six hundred pounds sterling, to indemnify him for his care and services in his said quality of

Agent ; and that the said Clerk be in like manner authorized to advance to the said John Arthur Roebuck Esquire, a sum not exceeding five hundred pounds sterling, to meet his disbursements and contingent expenses in his said quality, of which said disbursements and expenses an account shall be rendered to this House every six months.

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While the Assembly were working for a reform, not to say revolution, in the constitution and government, assisted by the entire mass of the French Canadian population, co-operating with them, the Constitutional Associations of Quebec and Montreal were equally active in preparing for the crisis. Branch associations were formed in all quarters where the inhabitants of British and Irish birth or origin amounted to any considerable number. Resolutions, explanatory of the irviews on the state of the Province and public matters, were adopted, and circulars in conformity with them drawn up and transmitted to public men and bodies through the Province, without distinction of party, and in the neighboring Provinces, as well as in Britain and Ireland.*

Petitions also to the King and to the two Houses of Parliament were agreed upon, and Mr. Neilson was named for the bearer thereof to England, at a general meeting of the association of Quebec, held in that city shortly after the prorogation of the session. Mr. Walker, a barrister at Montreal, was deputed by the association of that city on the like mission. These gentlemen proceeded in April, via New York, for England.

It has previously been mentioned that it had been made a matter of deliberation, on the approach of the new year, by the Corporation or City Council of Quebec, whether the mayor and members of it should, on new-year's day, wait on the Governor to pay him

* These circulars, containing much valuable statistical information, are placed in the appendix. See Letter G.

Chap. their respects, and that it had been resolved in the
 xxxv. negative. The City Council having been partially
 1835. reformed in the month of March by the re-election
 of some new councillors, and Mr. Caron, the former
 Mayor, re-elected, it was proposed, that the City
 Council should now go *en corps* to present their re-
 spects to the Governor. His Excellency very pro-
 perly declined the intended visit, which, consistently
 with his position and self respect, he could not permit
 until the previous proceeding of the council were
 explained. The following are the proceedings in
 the City Council as noticed in the Journals of the
 day.

On motion of Mr. Glackemeyer, seconded by Mr.
 Plante, Mr. Caron was chosen Mayor for Quebec,
 for the second time, without opposition.

Mr. Glackemeyer, seconded by Mr. J. M. Fraser,
 moved, that the Town Council go *en corps* to the
 Castle of St. Lewis, to present their respects to His
 Excellency the Governor in Chief.

Mr. Glackemeyer, in support of his motion, said
 that he had made a similar motion at the close of
 December last; but that it had unfortunately been
 rejected. He would not detail all the inconveniences
 which had resulted, as the real friends of the Coun-
 cil, who took an active share in its business, had not
 failed to convince themselves of it, and to remark
 that, since that period, all our applications to the
 constituted authorities had met with difficulties.
 Every one, he thought, ought to wish these difficul-
 ties to disappear, and to witness harmony between
 the Executive and the Council. He could not see
 a more fitting occasion to secure this than the pre-
 sent, at the moment the Council was renewed.
 The Council was new and we had a new mayor, and
 he anticipated no objection to his motion.

Mr. Mondor did not see the necessity of such a
 motion, and Mr. Robitaille remarked that it might

be well to ascertain whether His Excellency would receive the Council, before resolving to go to him.

The motion was agreed to unanimously.

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"TOWN COUNCIL.

Tuesday, 7th April, 1835.

"The following answer to the address of the Council, requesting to be informed at what time His Excellency would be pleased to receive them, was read, and appeared to cause no slight degree of astonishment to several of the councillors :—

"Castle of St. Lewis, Quebec, 4th April, 1835.

"SIR,—Having submitted to the Governor in Chief your letter of this date, acquainting me, for His Excellency's information, that the Common Council, at their sitting of last evening, had resolved to wait upon and pay their respects to His Excellency, and requesting to be informed at what time it may be his pleasure to receive the Mayor and members of the said Common Council, I have been directed by His Excellency to testify to you in answer, for the information of the mayor and Common Council, that he is at all times extremely desirous of cultivating a good understanding with the Mayor and Common Council of Quebec, and duly appreciates the compliment intended by their resolve of last evening. Certain rumours, however, have come to the knowledge of His Excellency, respecting which, explanation on the part of the Mayor and Common Council is necessary, before he can decide on the propriety of receiving their intended visit. It has been stated and generally believed, that upon a recent occasion a question was agitated in the Common Council whether they should pay the Governor in Chief the compliment of waiting upon him to pay him their respects.

Chap. "That the performance of an act of courtesy and
xxxv. respect towards the Representative of their Sovereign
1881. should be made a subject of debate in the Common
Council, does indeed appear very extraordinary to
His Excellency, and still more extraordinary that a
negative decision should have been the result of that
proposition. The Governor in Chief is accordingly
disposed to believe that he must have been misin-
formed on the subject, and the more so because the
desire now expressed by the Common Council is al-
together at variance with the proceedings above
alluded to.

"The Governor in Chief, therefore, entertains the
most confident expectation that the Common Coun-
cil will have it in their power to afford such an ex-
planation of it as shall enable him, without prejudice
to the dignity of his official station, to receive their
proposed visit.

"I have the honor to be, Sir,
Your most obedient humble servant,
(Signed,) H. CRAIG,
Civil Secretary."

A debate took place on the 9th March, in the
House of Commons, on the presentment by Mr. Roe-
buck of a petition said to be from several members of
the Assembly and Legislative Council of Lower Cana-
da complaining of grievances, (those probably urged by
the 92 resolutions,) in the course whereof it appeared
that the Government had already determined upon
the appointment of a Commission to proceed to Cana-
da and investigate the grievances, it being also stated
at the same time, by Sir Robert Peel, (the Premier,)
that the Governor in Chief had, six weeks previously,
been notified by a despatch of the intention of the
Government. Another warm debate occurred in the
House of Commons a few days after the above, on
presentment, by Mr. D. M. Stewart, of the petition
of the Constitution alists of Montreal.

A proclamation appeared in the Quebec Gazette of the 16th April, convoking the Provincial Parliament, for the despatch of business, on the 30th May following. So early a convocation, after the late prorogation, surprised the public. The mystery, however, was solved by an extra of the Quebec Mercury of the 18th April, in which appeared a despatch, probably that alluded to by Sir Robert Peel in his place in parliament.

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DOWNING STREET,

11th February, 1835.

"My Lord,—In conformity with the pledge given in my despatch of the 8th of January, I can assure Your Lordship that His Majesty's government have not ceased to direct their anxious attention to the discovery of those means which appeared to offer the most reasonable prospect of bringing to a happy termination the existing differences between the House of Assembly of Lower Canada and the Executive government of the Province. This enquiry has been undertaken with a deep sense of the importance of the object to be attained and has been prosecuted with the most zealous and earnest endeavors to arrive at a favorable result; but I cannot disguise from Your Lordship that throughout the investigation I have found myself surrounded by no common difficulties.

"Your Lordship will recollect that in the year 1828 a Committee of the House of Commons, was appointed for the purpose of enquiring into the state of the civil government of Canada which, after a laborious and protracted examination, embodied in their report various suggestions calculated in their opinion for the improvement of the administration of the Province.

"This report was declared by the House of Assembly of Lower Canada to be "an imperishable monument of the justice and profound wisdom of

Chap. the Committee," and to point out the certain mode
 xxxv. of removing all the evils of which the people of
 1835. Canada had complained. On a future occasion I
 may endeavor to show, and I hope incontrovertibly,
 the manner in which the recommendations of the
 Committee have been carried into full effect. At
 present I will only observe that notwithstanding the
 general enthusiasm with which the appearance of
 the report was hailed by the House of Assembly,
 a spirit of discontent from whatever cause arising,
 has continued gradually to increase among the mem-
 bers of that body, until in the last year it has burst
 forth with a vehemence altogether unparalleled.
 This spirit was remarkably exhibited in the ninety-
 two resolutions passed by the House of Assembly
 on the 23d of February, 1834. These resolutions
 were referred to a Committee of the House of Com-
 mons on the 25th April, and occupied their attention
 for a considerable time. On the 3d July, the Com-
 mittee closed their labors with a report, in which
 they did full justice to the anxiety of the Home
 Government to carry into execution the suggestions
 of the Select Committee of 1828; and declared that
 the endeavors of the Government to that end had
 been unremitting, and guided, in all cases, by a
 desire to Promote the interests of the Province.

"The Committee delivered no opinion upon the
 subject matter of any one of the resolutions sub-
 mitted to their consideration, but lamented that
 mutual misconception appeared to prevail, which
 they hoped might be removed; and finally expressed
 their persuasion that the practical measures for the
 future administration of the affairs of Lower Canada,
 might best be left to the consideration of the Gov-
 ernment, who were responsible for their adoption
 and execution.

"From that period up to the present day I do not
 find that any measures have been undertaken in

compliance with the recommendation of the Committee of the House of Commons. On the 15th November, the day on which the dissolution of the late administration took place, Your Lordship was apprized by Mr. Spring Rice, that he was prepared to transmit very full instructions on the various important points upon which it was essential for Your Lordship to be informed on the approaching meeting of the Assembly of Lower Canada; but in consequence of the event which had then occurred, he was prevented from making any further communication. Not being aware of the nature and purport of these contemplated instructions, Your Lordship will see that I have thus been deprived of the fruits of the matured reflection of my predecessor; and that on my own accession to office, I find this complicated question very much in the same situation in which it was left by the Committee of the House of Commons, on the 3d July:—with this difference however, that the difficulties of its solution have been materially aggravated by the additional delay of six months.

“In adverting to this delay, Your Lordship will not understand that it is with the view of imputing blame to any one, but simply for the purpose of expressing my regret that a crisis should now have arrived, in which a prompt decision is rendered indispensable, and that it must be taken at a moment and under circumstances when there exists a peculiar necessity for the most careful review of all that has passed, and for the most deliberate reflection on the consequences of any step that may be adopted.

“The painful situation in which Your Lordship has long been placed, and the personal relation in which you have been made to stand towards the House of Assembly form no slight addition to the embarrassments which obstruct the successful termination of the question at issue. It is due, however,

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Chap. to Your Lordship to state that from your first as-
 xxxv. sumption of the Government of Lower Canada, my
 1834. predecessors in the Department over which I now
 preside, have signified their general approbation of
 the conduct you have pursued in the Administration
 of the affairs of that Province.—With satisfaction I
 add that from an examination of Your Lordship's
 Official correspondence, commencing at the period
 referred to, I can see no reason to dissent from the
 accuracy of these opinions. At the same time it
 must be obvious that the exasperated feelings so
 prevalent in the Assembly, and the alienation of
 that branch of the Canadian Legislature from the
 Executive Government, have rendered Your Lord-
 ship's position so extremely difficult as even to for-
 bid the hope that you would be enabled to employ
 with any good effect the words of conciliation and
 peace. Looking then at the matter of dealing with
 the whole of this subject, and bearing in mind the
 circumstances to which I have already adverted, His
 Majesty's Government are of opinion that the exi-
 gences of the case demand some more decisive and
 expeditious mode of proceeding than is consistent
 with an ordinary and regular correspondence. Your
 Lordship's sentiments have been more than once
 expressed to the same effect.

“The King has therefore been humbly advised to
 select an individual possessing His Majesty's entire
 confidence, who has been unconnected with past
 Canadian politics, and has had the opportunity by
 recent personal communication with the members of
 His Majesty's Government, of ascertaining their
 views and intention more fully and unreservedly
 than could be possible by means of written state-
 ments.

“This individual in the capacity of His Majesty's
 Royal Commissioner will repair to Lower Canada
 fully instructed to examine, and, if possible, to ter-

minate the various points of discussion, in the hope of composing all those differences which have so long agitated the Province, and which have deeply afflicted His Majesty's loyal subjects. Chap. XXXV. 1834.

“Without attempting to give Your Lordship even an outline of the instructions of which His Majesty's Extraordinary Commissioner will be the bearer, it may be sufficient to inform you that his mission will not be so much for the purpose of promulgating any new principles of government, as of carrying into effect that system of liberality and justice towards the people of Lower Canada, which His Majesty has long since adopted, and which a committee of the House of Commons recently declared had characterised the policy and conduct of all those by whom the affairs of the Kingdom have been administered during the last six years, although the result which has hitherto attended these efforts might perhaps render our hopes of the future less sanguine, it will not diminish the desire or the determination of the King to satisfy all the just claims and expectations of his Canadian subjects.

“They will find that His Majesty is unwearied in his endeavors to establish “an impartial, conciliatory and constitutional Government in Canada.”—For this end it will be the object of His Majesty to renew an enquiry into every alleged grievance, to examine every cause of complaint, and to apply a remedy to every abuse that may still be found to prevail; for this end there is no sacrifice he would not cheerfully make which should be compatible with the fundamental principles of the Constitution itself, and with the continued existence of the Province as a possession of the British Crown. I am unwilling to believe that the Canadian people can be insensible to feelings so truly paternal, which as Your Lordship well knows have not been recently adopted or on the spur of the occasion, and for which we may

Chap. reasonably hope that His Majesty will be rewarded
xxxv. by the loyalty and attachment of all classes in the
1834. important Province now under your immediate
government.

“Your Lordship will communicate this despatch to the House of Assembly in the usual manner. Although without any direct information on the subject from Your Lordship, I learn from other sources of intelligence, that the Legislature will have met on the 27th of January—should their sittings have been adjourned, you will take such means as may appear most proper for bringing the despatch under the knowledge of the members, before the period of their re-assembling in Parliament.

“I will not fail to give Your Lordship timely notice of the probable arrival of His Majesty’s Commissioner, in order that you may be enabled to convoke the Assembly with the least possible inconvenience to its members.

“I have the honor to be,
My Lord,

Your most obedient,

(Signed,)

“ABERDEEN.”

“Lieut. General

Lord Aylmer, K. C. B.

&c., &c., &c.”

“Viscount Canterbury it seems, was at first recommended for the important office of High Commissioner to Canada, but declining, on account of ill health, Lord Amherst was spoken of, and actually appointed. He, however, soon after waived the appointment, and divested himself of the charge. The Earl of Gosford finally was selected as the High Commissioner, and accepted the office, assisted by Sir Charles Grey and Sir George Gipps. His lordship’s appointment was notified in the London Gazette of the 9th June, and repeated in the Quebec prints on the 23rd July.

"The following documents appeared in the Official Quebec Gazette of the 25th June :—

DOWNING-STREET,
6th May, 1835.

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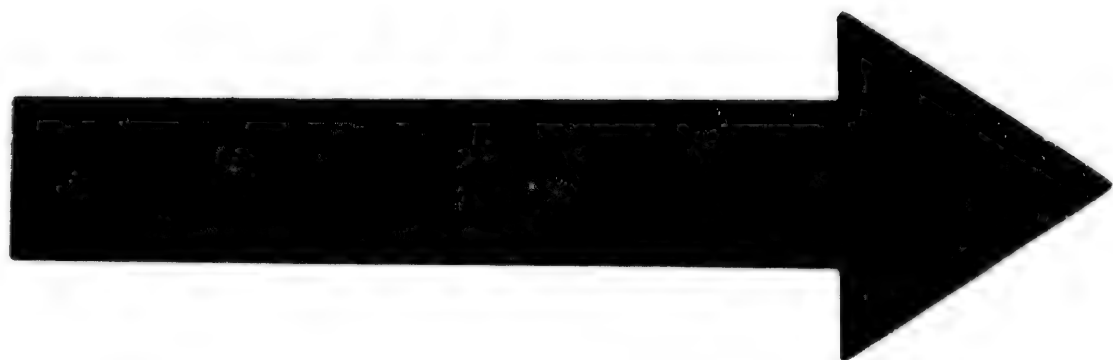
1834.

"My Lord,—On referring to the despatches addressed to Your Lordship by the Earl of Aberdeen, on the appointment of Earl Amherst to be Governor of Lower Canada, and His Majesty's High Commissioner in that Province, I am induced to conclude that my immediate predecessor in office did not anticipate Your Lordship's continuance in Canada, after the arrival of Lord Amherst in that country. But on the other hand I observe, that Lord Aberdeen studiously avoided the use of all expressions which could be understood as precluding the prospect of being reinstated in the government, when the duties of the High Commissioner should have been brought to a close.

"Since I had the honor of addressing to Your Lordship my despatch of the 22d ultimo, No. 1, I have availed myself of all the resources at my command for becoming fully acquainted with the state of the public mind in Lower Canada; and with the position in which circumstances of peculiar difficulty have placed Your Lordship in relation to the House of Assembly.

"The result has been to convince me that I shall best consult the public interest, by apprizing Your Lordship that your administration of the affairs of Lower Canada must be considered as finally terminated.

"Your Lordship will require no assurance from me of the reluctance with which I make this communication, the regret inseparable at all times from the discharge of such a duty, is enhanced in the present case by an apprehension of the misconstructions to which it may possibly give rise. I am, therefore, anxious to disavow in the most unquali-



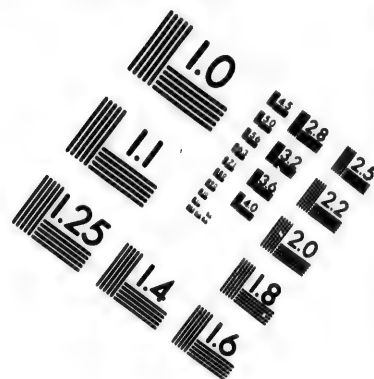
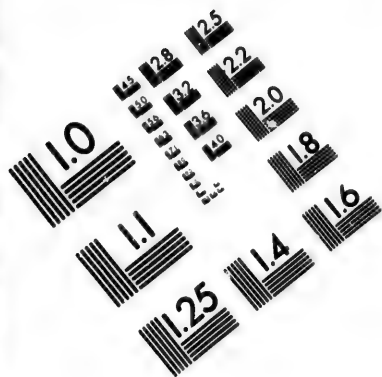
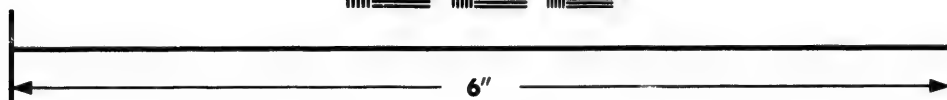
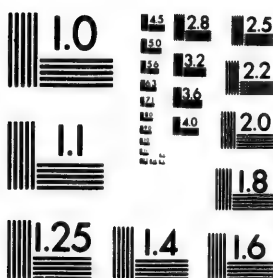


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Chap. fied terms, any design of conveying a censure on
 xxxv. any part of your public conduct, or of countenanc-
 1834. ing, by this decision, the accusations tow hich Your
 Lordship has been so repeatedly exposed. It would
 be highly gratifying to my own feelings, if I pos-
 sessed so perfect an acquaintance with the history
 of Your Lordship's administration of the affairs of
 Lower Canada, from its commencement to the pre-
 sent time, as to be able to express that decided
 opinion upon the charges of the House of Assem-
 bly, in the sessions of 1834 and 1835, which I fully
 admit Your Lordship's right to demand from His
 Majesty's confidential advisers. The period which
 has elapsed since His Majesty was graciously pleased
 to entrust me with the the Seals of this Department,
 has not been sufficiently long to enable me to com-
 plete a review of the voluminous documents con-
 nected with that subject.

"I am, therefore, peculiarly happy to find that
 Lord Aberdeen, availing himself of his more ample
 opportunities, was able to discharge that necessary
 and laborious duty, and that in his despatch of the
 14th February last, No. 22, he declared it to be due
 to Your Lordship to state, that from your first as-
 sumption of the government of Lower Canada, all
 preceding Secretaries of State for this Department
 have signified their general approbation of the con-
 duct you had pursued, in the administration of the
 affairs of that Province, and that from an examina-
 tion of Your Lordship's official correspondence, com-
 mencing at the period referred to, he, Lord Aber-
 deen, could see no reason to dissent from the accu-
 racy of those opinions.

"The King commands me to state that Lord
 Aberdeen's despatch, from which I have made the
 preceding quotation, was not written without His
 Majesty's direct previous sanction, and that in au-
 thorising the expressions it contains of my predeces-

sor's confidence and approbation, His Majesty experienced that gratification which he invariably feels, when affording his support and countenance to any public officer whom His Majesty considers himself entitled to regard as having labored with fidelity and zeal in His Majesty's service.

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With such a testimony from my immediate predecessor, so directly sanctioned by His Majesty, Your Lordship may perhaps be satisfied that is not incumbent on you to call for a further vindication of your personal honor and official conduct, I shall, however, be prompted to meet any such demand, should Your Lordship see cause to advance it, and humbly to submit to His Majesty my opinion, not upon the more recent subjects of complaint mentioned in your Lordship's despatches, noted in the margin, but upon any other topic of which Your Lordship may think that His Majesty's decision has not hitherto been distinctly pronounced.

I have the honor to be,
My Lord, Your Lordship's
Most obedient servant,
(Signed,) GLENELG."

Lieut. Genl.

Lord Aylmer, K. C. B.

"Notwithstanding the above, it was thought by the British population in Canada that Lord Aylmer was treated by the new administration, of which Baron Glenelg was the Colonial minister, rather hardly, the more particularly as it had been stated by Lord Aberdeen in the House of Lords that, "if he could have prevailed upon himself to recall Lord Aylmer, he should never have thought of sending out a Commissioner," clearly intimating that the offices were to be distinct. A very general feeling of regret among the British population in Lower Canada was expressed at the recall of Lord Aylmer, and addresses from various parts were presented to

Chap. him. The first he received was from the Quebec
xxxv. Board of Trade, and in very flattering terms :—

1834. May it please Your Excellency,

“ We, the members of the Committee of Trade, appointed by, and representing the mercantile community of the city of Quebec, duly appreciating the attention and urbanity which have characterised Your Lordship’s frequent communications with this Board, respectfully approach Your Lordship, with an expression of our unfeigned regret, on the occasion of your intended departure from this country.

“ Deeply interested in the general prosperity of the Province, we cannot but deplore a circumstance tending to deprive it of the advantages which Your Excellency’s experience in its Government, knowledge of its resources, and anxiety for its welfare, guided by your acknowledged character for uprightness of purpose, must have secured to it, had your continuance here been permitted.

“ Connected more particularly with the trade of the Colony, both collectively and as individuals, we gratefully acknowledge the readiness so constantly evinced by Your Excellency to advance its commercial interests, and must not omit especially to instance Your Lordship’s well-timed representations to the Home Government, against the abuses of the Court of Vice-Admiralty, and yet more, those in favor of our lumber trade, that grand staple of this and the other British North American Provinces.

“ Assailed as this most essential branch of our commerce has been, and continues to be, by a combination of persons, ignorant of its importance, or interested in its downfall, we feel doubly sensible of the value of Your Excellency’s testimony in its behalf, grounded too on your personal observation of its beneficial results.

“ Strongly persuaded of the close connexion between the commercial and political relations of a

country, and fully sensible that security to trade can alone exist under the protection of a well ordered and consistent government, we view with apprehension the inconsiderate removal of Your Excellency, as indicating a system of colonial policy, which, ready at the clamor of faction to sacrifice individual right to temporary expedience, threatens to subvert those national principles of good faith which have long given stability and character to British institutions throughout the world.

"May it please Your Excellency,

"In respectfully taking our leave we venture to express a hope that the affairs of Canada may still continue to occupy a place in Your Lordship's recollection, and that the influence which His Majesty's approbation of your conduct cannot fail to confer, may be used, as we are sure it will be, to promote the true interest of this country.

"We beg respectfully and most cordially to convey to Your Lordship and to Lady Aylmer, our sincere wishes for your prolonged happiness and for your prosperous voyage to that land whose battles Your Lordship has fought and whose honors you have won.

"Gentlemen,—I thank you" said he "very sincerely for the expressions of regret at my approaching departure from this country, conveyed in this address from the Committee of Trade, representing the mercantile community of the city of Quebec—a community for which I shall ever entertain sentiments of esteem and regard.

"I feel, gentlemen, that I possess but slender claims to your thanks, on account of any benefit which may have been obtained for the commercial interests of this colony during my administration. Although animated by a constant desire to promote those, as well as all other public interests in the Province, my efforts to that effect have been invariably met and

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1835.

Chap. counteracted, by a baneful influence in the Province,
 xxxv. whose only chance of prolonging its existence is by
 1834. retarding the general improvement of the country;
 and many of those moments which, under more fortunate circumstances, I should have been able to devote to the advancement of some useful undertaking or some beneficial public measure, have been unavoidably occupied in contending (under disadvantages to which I forbear more particularly to allude on the present occasion) against assaults—some open, and others disguised—levelled against the most valuable interests of the Province, political as well as commercial, and which, should they be renewed and crowned with ultimate success, must prove fatal to the connexion between Lower Canada and the Mother Country.

I am fully sensible, gentlemen, of the great importance to British North America of the lumber trade; and be assured that, although my official connexion with this country will cease to exist upon my departure from it, no opportunity shall be neglected by me hereafter of upholding that valuable branch of commerce, and of promoting, as far as my very limited means will permit, every measure calculated to advance the commercial interests of Lower Canada.

And now, gentlemen, in separating from you, let me desire of you to accept from Lady Aylmer and myself our very sincere thanks for the obliging expressions regarding us both, contained in the concluding passage of your address, and in return to receive our cordial good wishes for the health and happiness of all those gentlemen, and their families who are parties to it; and for the increasing prosperity of the commercial city of Quebec.

A general meeting of the Quebec Constitutional Association took place on the 31st July, at which the following resolutions were adopted:—

1st. "That His Majesty's approbation of the conduct pursued by His Excellency Lord Aylmer, in the administration of the affairs of this Province, has been repeatedly conveyed to His Excellency, and more particularly reiterated in the recent despatch of the Right Honorable Lord Glenelg, His Majestys' Principal Secretary of State for the Colonial Department, dated, Downing Street, 6th May, 1835.

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2nd. "That notwithstanding the "support and countenance" which the King has been thus graciously pleased to afford to a "public officer whom His Majesty considers himself entitled to regard, as having labored with fidelity and zeal in His Majesty's service," the Secretary of State has, in the same despatch which conveys the King's approbation, apprised Lord Aylmer that "His Excellency's administration of the affairs of Lower Canada must be considered as finally terminated."

3d. "That the motives which actuated the Secretary of state in coming to this decision appear to be founded in the position in which the Governor in Chief is placed in relation to the House of Assembly, in consequence of the accusations preferred against him by a majority of that branch of the local Legislature, in a series of resolutions which have been already declared by this Association to contain "divers false and scandalous imputations, of so general a nature as not to admit of answer or investigation.

4th. "That this Association views with alarm and regret the sacrifice of the Royal Prerogative, thus for the first time offered to the clamour of a party which openly questions the just subordination of the colony to the parent state, and avowedly inculcates resistance to its authority.

5th. "That an humble address be presented to His Excellency the Governor in Chief, expressing the regret of this Association at the untimely recall of His Excellency, at a period when the result of the mea-

Chap. sures adopted by him cannot as yet be ascertained—
 xxxv. thus depriving the Government of the advantages to
 1835. be derived from His Excellency's experience, and
 conveying to the people of British and Irish origin in
 this Province the impression that their best interests
 are about to be sacrificed to the misrepresentation of
 a few discontented and ambitious persons, and pray-
 ing that His Excellency will be pleased to adopt such
 measures as to him may seem best calculated to con-
 vey to the foot of the Throne the views of this Asso-
 ciation, as expressed in the preceding resolutions.

"6th. "That the said address be prepared by the
 Executive Committee, and that the same, together
 with a certified copy of the resolutions, be presented
 by them to His Excellency."

On the 8th of August, the Executive Committee of
 the Constitutional Association of Quebec, attended by
 a large number of the members of the body, and of
 those of "the Mechanics' Constitutional Union",
 waited upon the Governor in Chief, at the Castle of
 St. Lewis, with the following address:—
 May it please Your Excellency,

We, the Executive Committee of the Constitutional
 Association of Quebec, deputed at a general meeting
 of the members to present an humble address to
 Your Excellency, on your administration of the af-
 fairs of this Province being terminated, beg leave
 most respectfully to express the unfeigned regret of
 the association at Your Excellency's approaching de-
 parture.

Your Excellency's untimely recal at the present
 crisis of affairs, is the more to be deplored, as it
 precludes you from bringing to maturity the mea-
 sures now in progress towards the adjustment of the
 political difficulties, which have so long retarded the
 prosperity of the Province—and will necessarily de-
 prive the Royal Commissioners of the advantages to
 be derived from the experience and local knowledge,

which Your Excellency has acquired during a residence of nearly five years in Lower Canada.

We regret that the policy adopted by the Secretary of State towards Your Lordship, and the motives on which his decision is grounded, tend to convey the impression that His Majesty's Ministers are prepared to sacrifice the rights and interests of the inhabitants of British and Irish origin, resident within this province, to the misrepresentation and clamour of a designing party, who, availing themselves of peculiar and accidental circumstances, have misled His Majesty's government, openly questioned the just subordination of the colony to the parent state, and inculcated resistance to its authority.

We therefore humbly pray that Your Excellency will be pleased to convey to the foot of the Throne the views of the Association, as expressed in a series of resolutions, of which we respectfully submit a copy, and that you will assure our Gracious Sovereign that he has not, in the wide extent of his dominions, subjects more loyal or devoted than the members of this Association, nor any more firm in their determination to maintain his authority throughout the colony, and defend the rights, privileges and immunities which His Majesty's predecessors have been graciously pleased to bestow upon its inhabitants.

In respectfully taking leave of Your Excellency, we feel that we should not perform our duty to those whom we represent, did we not assure you of the profound respect felt by all for your exalted and manly character, and convey our sincere and heartfelt wishes that you may long enjoy the happiness to which a consciousness of having merited and received your Sovereign's unqualified approbation so justly entitles you; and our hope that, when the King may again require Your Excellency's services, it may be in a situation where your liberal and extended views will be more justly appreciated and a

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1834.

Chap. fairer field afforded to carry them into effect, than,
 xxxv. unfortunately for the inhabitants, has been the case
 1835. in Lower Canada.

To this His Excellency answered :—

“Gentlemen,—I receive with sentiments of heartfelt satisfaction the kind expressions of regret at my approaching departure from this Province, conveyed in the address which you have just done me the favour to present to me on the part of the Constitutional Association of Quebec.

“The relation in which I have been made to stand with the House of Assembly, in discharging my public duty, having been assigned as a motive for my recall from this government by His Majesty’s Ministers, I find it necessary to advert to certain proceedings of the assembly regarding myself.

“On two several occasions within the last two years, complaints of the most serious nature affecting my public character and conduct, in the administration of the government of this Province, have been brought forward by the House of Assembly, in petitions to the King and the two Houses of the Imperial Parliament. Their petition, addressed to the House of Commons in the first instance, contained an urgent appeal to that Honourable House to bring and to support impeachments against me before the House of Lords ; but, although the Committee to which that petition was referred was engaged during three months in investigating the various subjects of complaint it contained, their report, subsequently adopted by the House, does not allude in the remotest degree to the demand of the Assembly for my impeachment.

“Nevertheless, the Assembly, nowise discouraged by the failure of this first attempt, again approached the House of Commons, during the present session of the Imperial Parliament, with a renewed demand

for my impeachment; and to their former complaints others of a still darker complexion were added. But all to no purpose—for it does not appear that any steps whatever have been taken by the House upon this second petition of the Assembly.

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“For the success of the House of Assembly, in their attempts to injure me in the estimation of His Majesty and his confidential advisers, I have only to refer to the despatches from the Colonial Department recently published by my order in the Official Gazette of the Province.

“From the above rapid sketch, it will be perceived that the various efforts of the House of Assembly to injure my public character have only ended in exposing the impotence of their hostility towards me.

“But there is another point of view in which this subject deserves to be regarded, and it is one which involves considerations of infinitely more importance than any of a personal nature affecting an individual like myself.

“The failure of these repeated attempts to establish the truth of charges so solemnly and so earnestly brought under the consideration of the King, and the two Houses of the Imperial Parliament, unavoidably places the moral character of the House of Assembly in a very equivocal position; and it may, therefore, be reasonably expected that the Assembly, in order to redeem its own credit, and in justice to their constituents, who are necessarily (however innocently and unconsciously) involved in this disreputable suit, undertaken in their name, and on their behalf—the Assembly, I say, cannot but consider themselves imperatively called upon to renew their demand to the House of Commons for my impeachment before the House of Lords.

“Should any such demand be made, the House of Assembly may be assured of having my best wishes for the success of it: it is what I have long and ar-

Chap. dently looked forward to; for if, happily, their cause
 xxxv. should ever come to a hearing before the House of
 1835. Lords, my accusers will find, when in presence of
 that august tribunal, that assertions, however confi-
 dently advanced, will not there be suffered to pass
 current for facts, neither will vituperation be mis-
 taken for argument.

"I come now to the subject of my recall from this
 government, which I cannot pass over in silence:
 since it is, in fact, the particular circumstance which
 has given rise to your address.

"It would be highly unjust towards those Ministers
 of the Crown who spontaneously, and without any
 solicitation on my part, did me the honor of select-
 ing me for the very important office of Governor in
 Chief of British North America, to suppose that upon
 that occasion they were actuated by any other mo-
 tive than a conscientious belief that, by so doing,
 they best consulted the public interest.

"In like manner, those other ministers of the Crown
 who have subsequently filled the situation of Secre-
 tary of State for the Colonial Department, and whose
 approval of my public conduct you are already ac-
 quainted with, must have considered that by main-
 taining me in the office of Governor in Chief, they
 also were consulting the public interest.

"His Majesty's present Ministers, however, imme-
 diately upon coming into office, have taken an oppo-
 site view of this subject, for I am now informed by
 Lord Glenelg, His Majesty's Principal Secretary of
 State for the Colonial Department, in his despatch of
 the 6th of May last, addressed to me, (which will be
 found amongst the despatches recently published by
 my order in the Official Gazette of the Province, for
 general information,) that "he shall best consult the
 public interest by apprising me that my administra-
 tion of the affairs of Lower Canada must be consi-
 dered as fully terminated."

“ Although differing, as it would appear, from his predecessors in office upon this subject, it would be equally unjust to withhold from Lord Glenelg the belief that, in removing me from the office of Governor in Chief of British North America, his Lordship is sincerely convinced that he is best consulting the public interest. Chap. xxxv. 1835.

“ I will therefore only add that, as the faithful servant and devoted subject of the King, and as the firm and constant friend of the people of Lower Canada of every origin, I do most sincerely wish that those measures which His Majesty shall be advised to adopt for the settlement of the disordered and complicated affairs of this Province, may have the effect of establishing the authority of His Majesty's government upon a solid and lasting foundation, for thereby alone will the public interest be best consulted.

“ I cannot, gentlemen, avoid saying a few words in answer to that part of your address, in which regret is expressed at what you are pleased to consider my untimely recall from this government.

“ I undertook the Government of Lower Canada with a full knowledge of the principal difficulties with which it was surrounded, but these I did not despair of surmounting by a steady course of policy founded on the strictest impartiality ; and although circumstances beyond my control have hitherto stood in the way of my success, I am, nevertheless, of opinion that the present state of the Province, unpromising as it may appear to a superficial observer, holds out every encouragement to the adoption of measures that would at once put an end to the difficulties to which I have alluded, and which will cease to be formidable the very moment of their being fairly grappled with.

“ To have been the instrument of carrying such measures into effect would be to me a never failing

Chap. source of gratification during the remainder of my
 xxxv. life. Since, however, this has been denied me, I
 1835. have only to hope that on my return to the seat of
 the Imperial Government, the representations it will
 be my duty to make, may be productive of good to
 the Province—should such be the result of my re-
 moval from this Government, and that having ceased
 to be officially connected with Lower Canada, I shall
 have the good fortune to accomplish more for its ad-
 vantage than it was in my power to effect during
 my administration of its affairs—then, gentlemen, I
 shall say that my recall, far from being untimely, will
 have proved a singularly well-timed measure.

“You may be assured that I shall not fail to convey, if I may be so permitted, to the foot of the Throne, the views of the Constitutional Association as expressed in the resolutions of which you have delivered me a copy ; and in an especial manner I shall consider it my duty to represent to our Gracious Sovereign (what is in truth the conviction of my own mind) that he has not in the wide extent of His dominions, subjects more loyal and devoted than the members of the Constitutional Association of Quebec.

“The flattering testimony of the regard and good opinion of the Constitutional Association of Quebec, addressed to me in the concluding passage of your address, could not fail to prove highly gratifying to my feelings under any circumstances.—How much more so is it when I consider the efforts which have with such unwearied perseverance been made, to blacken and defame my character from the very hour of my arrival in Canada to the present time ; and that during that period every act of mine has been made the theme either of virulent invective, or unworthy detraction.

“But, gentlemen, the evil has produced its own remedy, since the favorable sentiments towards me

expressed in your Address, and for which I now offer my warm and sincere thanks to the Constitutional Association of Quebec, have furnished me with the best answer that can be made to those who have sought to injure me in the estimation of my fellow subjects.

"And now, gentlemen, farewell, and may every happiness and prosperity attend you, and all those who are parties to the Address which has just been communicated to me."

The Earl of Gosford arrived at Quebec on the 23d August, in H. M. S. Pique, accompanied by Sir Charles E. Grey and Sir George Gipps, his Assistant Commissioners, and on the day following issued his proclamation, notifying, as Captain General and Governor in Chief, his assumption of the Government. The letters patent of His Majesty, bearing date at Westminster, 1st July, 1835, appointing "the said Archibald, Earl of Gosford, Sir Charles Edward Grey, and Sir George Gipps, Commissioners for the investigation of all grievances affecting His Majesty's subjects in Lower Canada in what relates to the administration of the Government of the said Province," were also published in the same Gazette with the proclamation.*

* OFFICE OF THE SECRETARY OF THE PROVINCE,
Quebec, 24th August, 1835.

His Majesty has been pleased to appoint the Right Honorable the Earl of Gosford, the Right Honorable Sir Charles Edward Grey, and Sir George Gipps, to be the Commissioners for the investigation of all grievances affecting his subjects in the Province of Lower Canada, in what relates to the government of the said Province, by the following commission:—

WILLIAM THE FOURTH, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, to our right trusty and right well-beloved cousin and councillor, Archibald, Earl of Gosford, our trusty and well-beloved Sir Charles Grey, Knight, and Sir George Gipps, Greeting:

Whereas, divers addresses have been preferred to us, by the House of General Assembly of Lower Canada in North America, and divers petitions have been presented to us by sundry of our

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Chap. A farewell entertainment was given by the prin-
 xxxv. cipal citizens of Quebec to Lord and Lady Aylmer,
 1835. on the evening of the 15th September, and on the

faithful subjects inhabiting our said Province, in which addresses and petitions have been represented to us, certain grievances of which the said House of General Assembly and our subjects aforesaid have by their said addresses and petitions sought redress. And we being minded, as far as in us lies, to afford the redress of every grievance by which any of our faithful subjects inhabiting the said Province may be affected, and having therefore specially resolved to appoint fit persons to proceed on our behalf to our said Province, there to investigate all complaints respecting the administration of the public affairs thereof, and have for that purpose made choice of you, the said Archibald, Earl of Gosford, Sir Charles Edward Grey, and Sir George Gipps. Now know ye, that we, relying on the approved discretion of you, the said Archibald, Earl of Gosford, Sir Charles Edward Grey, and Sir George Gipps, have, of our especial grace, certain knowledge, and mere motion thought fit to constitute and appoint, and do hereby constitute and appoint you the said Archibald, Earl of Gosford, Sir Charles Edward Grey, and Sir George Gipps, to be our Commissioners for the investigation of all grievances affecting our subjects in our Province of Lower Canada, in what relates to the administration of the Government of the said Province. And we do authorize and require you for that purpose to proceed with all convenient despatch to the said Province of Lower Canada, and there by all lawful ways and means to enter upon a full and impartial enquiry into all complaints which shall to you be preferred respecting the administration of the Government thereof: and in the execution of this our Commission, our will is, and we do hereby require, that you do in all things conform to such instructions as shall be addressed to you by us in our Privy Council, or through one of our Principal Secretaries of State. And whereas, for the better execution of the powers so vested in you as aforesaid, we have by other Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing even date with these presents, constituted and appointed you the said Archibald, Earl of Gosford, to be our Captain General and Governor in Chief in and over our Province of Lower Canada:—Now we do strictly charge and command all our officers, civil and military, and all our faithful subjects and all others inhabiting the said Province, that in their several places and according to their respective powers and opportunities, they be aiding to you the said Archibald, Earl of Gosford, in the execution of this our Commission and our said other Commission so addressed to you as aforesaid.

In witness whereof, we have caused these our Letters to be made Patent. Witness Ourself, at Westminster, this first day of July, in the sixth year of our reign.

By Writ of Privy Seal.

following day an address, very numerously signed by inhabitants of the city and neighbourhood, was presented to His Excellency. His Lordship embarked with his family on the 17th, on board H. M. S. Pique, for England, which they reached in safety, narrowly escaping shipwreck, however, on her passage home, the ship having run ashore in the Straits of Belleisle, from which, by the skill and presence of mind of her commander, the Hon. Captain Rous, seconded by the exertions and perseverance of the crew, she was with difficulty extricated. On examination, after her arrival in England, of the injury she had sustained in her keel and bottom, it was deemed marvellous that she had escaped foundering on the passage.

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1335.

The insertion of a marble slab, with an inscription, in honor of the memory of Montcalm, within the chapel of the Ursuline Convent, by Lord Alymer, has previously been noticed. His Lordship this summer, shortly before his departure, caused to be erected on the Plains of Abraham, at his own expense, a truncated column or shaft, on a fragment of the granite boulder upon which Wolfe breathed his last, lying at, or very near the spot where he fell.

The following is an extract from the Quebec Mercury, on this subject :—

MONUMENT ON THE PLAINS TO THE MEMORY OF WOLFE.

“ The last anniversary of the battle of the Plains of Abraham was aptly chosen as the day on which the names of the heroes, WOLFE and MONTCALM, were affixed to the sarcophagus, on which rests the beautiful obelisk raised to their honor during the government of the Earl of Dalhousie. The return of that anniversary may be appropriated to a brief description of the monument lately erected by lieutenant general Lord Alymer, while Governor in Chief of these Provinces, which completes the

Chap. series of testimonials offered by posterity to the
xxxv. memory of the devoted and the brave.

1835. "The first and most imposing in its appearance of these monuments, is the obelisk in front of the Governor's garden, so generally admired for its symmetrical proportions. It is a tribute common to both of the heroes, whose names it bears. The second, is a marble slab placed, with commendable taste and feeling by Lord Aylmer, to the memory of MONTCALM, in the chapel of the Ursuline Convent, within the precincts of which he was buried, in a grave partly formed by the bursting of a shell during the previous siege.* The slab has this inscription, equally distinguished by truth and simplicity:—

Honneur
à
MONTCALM !
Le Destin en lui dérobant
La Victoire,
L'a récompensé par
Une mort glorieuse !

"A monument to WOLFE on the spot where he died was alone wanting. The exact spot was known but to few, while the interest attached to it was increased by the lapse of time:—the last contemporary of the battle was no more, and the site would in a few years have become a subject for conjecture. Although the stone which had formed his death couch, had been preserved in its original position, it had

* Very fanciful and poetical, but nevertheless a fable. No bombshell, as is well known and proveable, fell during the siege of 1759 upon the Chapel of the Ursuline Convent, but several round shot passed through the roof, the marks whereof are still visible from within, though not externally, the roof being since covered with tin. A bomb fell in the *Chœur*, or place where the nuns assemble for divine service, the mark of which also is visible, but this is a separate building though adjoining the Chapel. The remains of General Montcalm were privately interred in the evening of the day, or the day after, his decease from a wound he had received in the action on the Plains of Abraham, (where also Wolfe fell,) in a grave

been sunk beneath the surface, in order to protect it from pilgrims who came, not to enrich but to rob the shrine, by carrying away as relics pieces of the rock, hallowed by the death of Wolfe. These considerations, it may be imagined, suggested to Lord Aylmer; the design of erecting a Monument on

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1835.

dug for the purpose close to the northernmost wall of the Chapel and in the north-western angle of it, near the Altar, a few officers, probably of the general staff in garrison at the moment, and his Aides de Camp being present. No other body, it is said, had been interred within ten or fifteen feet from the spot where his was laid.—It is but a few years since an old lady of the Ursulines died, who when a young girl, long before she entered the Convent, but living in its vicinity, had, drawn by curiosity, witnessed the interment and retained a perfect recollection of the precise spot where the remains of the General were interred. This she pointed out to my venerable and esteemed friend, the Reverend Thomas Maguire, for many years past, and still, Chaplain to the Ursuline Convent, who caused the ground to be removed, and the remains of a human frame found in the place indicated, to be exhumed, which he has no doubt from the information he received from the lady alluded to, and others of her cotemporaries whom he had consulted, were those of the General. The coffin had entirely disappeared. The bones, with the exception of the scull, crumbled to dust on exposure to the air. He has caused the scull to be carefully enclosed in a glass case, which is preserved in the Chaplain's apartment in the Convent, where the curious in relics of the kind may see it, by waiting upon the worthy Chaplain, and intimating a wish to that effect. Mr. Maguire, in opening the grave observed that it was isolated from other spots where the dead had been deposited, the ground adjacent for several feet, being firm and compact, and such as to produce a conviction that it had never been disturbed.

The remains of Wolfe were conveyed to England in the Royal William, of 84 guns, and landed at Portsmouth on the 17th November, 1759. They are, according to Mr. Hawkins' Picture of Quebec, (published in 1845,) deposited in the family vault at Greenwich, which that gentleman states he visited in 1841, being permitted by the surviving branch of the family to enter the vault, where he had the satisfaction of laying on the coffin of Wolfe, a wreath of laurel, as a tribute of respect for the memory of the departed Hero.

This fable of the inhumation of the remains of General Montcalm, in a grave made in the Ursuline Chapel by the bursting of a bomb shell, reminds me of the tale of murder, and retaliation, which the "Chien d'Or," it is vulgarly believed, was intended to commemorate, which, however, my worthy friend Jacques Viger, Esquire, of Montreal, has, with indefatigable research and industry, ascertained by the most incontestible evidence to be, with the

Chap. this spot and as no accurate description of it has
 xxxv. yet appeared, and as the spot is constantly visited
 1835. by strangers, the following particulars, which may
 be depended upon to be correct, will doubtless be
 interesting to the public.

“The monument lately erected by Lord Aylmer, then Governor in Chief, to the memory of Wolfe, on the spot where he died, is situated in a field, the property of Hammond Gower, Esq., between the house of C. Campbell, Esq., and the race course, and adjoining the *Grande Allée*. The ground necessary for the site was presented by Mr. Gowan to his Lordship for the purpose; and the monument is distinctly seen from the road. It is composed of a half column of the Corinthian Order, two feet in diameter, and about nine feet in height. It is executed in Montreal marble, and shaped from a single

exception of the unpremeditated homicide of Mr. Philibert, by Mr. Legardeur de Repentigny, in a moment of transport, and for which he obtained in due form letters of grace and pardon, altogether fabulous. Mr. Viger's antiquarian and interesting researches have not only stripped the tale of the “Chien d'Or” of its charm but represent the unfortunate homicide of Mr. Philibert in its true light, and rescue the memories of two of the French Intendants, Messrs. Bigot and Begon, from the imputation of having been privy to, and instigating his death. He exhibits even the letters of grace and pardon to Mr. de Repentigny by the King of France, and the proceedings thereupon in the Court or proper jurisdiction in Canada, verifying the matters of fact upon which the letters were granted, and upon which his pardon, by the *entherinement* of those letters, became conclusive, the whole developed step by step in so clear and satisfactory a manner by Mr. Viger, as to demolish the entire fabric of fiction to which the untimely death of Mr. Philibert, and the bas relief of the “Chien d'Or” still over the portal of the house in Buade street, Quebec, which, at the time of his decease he inhabited, had given rise. Mr. Viger's demonstration of the falsity and utter groundlessness, with the exception above mentioned, of this wide spread and popular tale, is historically so interesting, that although it does not properly come within the scope of this work, I may, nevertheless, be pardoned for introducing it in a subsequent stage, in vindication of, and as an homage to historic truth.

☞ For Mr. Viger's Parliamentary analysis, see the end of the next Chapter.

block. Together with the base it is turned and polished, forming a beautiful specimen of that valuable building stone. The sub-plinth is of chiselled stone in order to form a contrast; and the whole is supported on a pedestal of rocks, formed of the boulders of granite found on the neighboring surface, in a conspicuous part of which pedestal is placed the remaining portion of the actual rock, on which Wolfe was supported when he breathed his last. The stones are strongly connected together embedded in the solid foundation of rock; and unless the monument should be intentionally damaged, it will be as durable as the fame of him whose name it bears. The inscription, which is deeply cut on the column, is brief and emphatic, containing a modest and delicate reference to that upon the slab in honor of Montcalm:—

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HERE DIED

WOLFE,

VICTORIOUS !

“The work does great credit to the mason, Mr. Xavier Malouin, who has executed it in a very able manner, under the direction of Mr. Blacklock, of the Royal Engineer Department, from a design drawn by Lord Aylmer.

“The spot where Wolfe received his third and death wound, was in front of the redoubt, and rising ground, somewhat on the right and in advance of the monument. He was thence borne to the rear, and supported against a rock lying on the surface.

“In a small field, the property of the late Mr. Moorhead, between the one in which the monument is situated and the property of Charles Campbell, Esq., about fifty yards due north from the column, immediately joining the fence, may be seen the remains of the well whence Wolfe was supplied with water,

Chap. when lying faint and dying on the spot now marked by the column. This has been ever since known to the old inhabitants of the neighborhood as Wolfe's Well, but in consequence of a horse having been drowned in it about four years ago, it was filled up with rubbish, to the great regret of many who have never ceased to hold it in hallowed remembrance."

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This monument, it is proper here to observe, having been chipped away and mutilated by idle and inconsiderate visitors, has been superseded by the more elegant structure now occupying its site, raised in 1849 by private contributions of the officers of the Army serving in Canada, and at the suggestion of Sir Benjamin D'Urban, commanding the Forces therein, who suddenly died, universally regretted, at Montreal, in the month of May of that year, before the completion of this column to the memory of his immortal fellow-countryman, to which he had largely contributed.

Errata.—Instead of 1834 in the marginal notes of pages 73, 74, 75—and subsequently in this chapter, read 1835.

After the words "H. Craig, Civil Secretary," in page 80—read—no explanation being offered the intended visit did not take place.



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CHAPTER XXXVI.

Parliament convoked—rumours—Constitutional Association of Chap.
Quebec address the Governor—his answer—speech—agent in xxxvi.
England—address relating to Mr. Gale—answer—address in 1835.
answer to the speech—proposed amendment—Governor's mes-
sage relating to arrears—address of the Assembly for arrears
and the current contingencies—answer—address relating to the
Jesuits' College at Quebec—answer—Mr. Roebuck—address re-
lating to building or repairing churches—answer—public ac-
counts—instruction to standing committee of grievances—Rifle
Corps at Montreal—Mr. Justice Kerr's dismissal—offence taken
at speech of Lieutenant Governor (Sir John Colborne) of Upper
Canada—its effect in Lower Canada—public accounts—state of
the Province—address to His Majesty—accusation and impeach-
ment of Judge Fletcher, and of Judge Thompson—complaint
against Mr. Justice Bowen—against Mr. Felton, Mr. Guly, and
others—Committee on Grievances report concerning British
House of Commons—report of a special committee relating to the
Executive government—Post Office Department—Mr. Caldwell
—Canada tenures' act—bill to reform the Legislative Council by
rendering it elective—vote of thanks to Messrs. Viger and
Morin—prorogation—letter of Lord Gosford to the Colonial
Minister.

THE Earl of Gosford lost no time in convoking the
Legislature, which, by proclamation bearing date 3rd
September, was summoned for the despatch of busi-
ness on the 27th October. In the mean time His
Excellency assiduously cultivated, and, as many
thought, obsequiously courted, even to self abase-
ment, those members of the Assembly who, he was
informed by those surrounding him and first in his con-
fidence, were among the most influential in the body.
Some of the leading men in the district of Montreal,
including Messieurs Papineau and Debartzch, visited
him immediately after his arrival at Quebec, probably
to sound and ascertain his views on public matters.
A caucus or meeting of members of the Assembly,
and other notables, was held about the same time at
Three Rivers, to determine upon the course most
proper to be adopted towards the new Governor,

Chap. and in particular towards the commission of which
 xxxvi. he was the chief. The French papers, and the
 1835. Vindicator published in English, in Montreal, by Dr.
 E. B. O'Callaghan, a man of talents, but an ultra
 partizan, who, having succeeded Doctor Tracy as
 editor of that paper, had also obtained a seat in the
 Assembly, held out that no business would be entered
 upon by the Assembly until a sum sufficient to cover
 its contingencies were advanced, and unconditionally,
 at the discretion of the House. It appeared also to
 be the determination of the leading members of the
 Assembly, not to recognize or acknowledge the Com-
 missioners nor Commission in any manner, as they
 had not been appointed under parliamentary au-
 thority, but by the King's authority solely!

The day fixed for the meeting of Parliament was
 at hand, and it being rumored that His Excellency
 would advance "the contingencies," the Constitu-
 tional Association of Quebec met, and having passed
 several resolutions, prepared also an address to the
 Governor, which, the day before the opening of Par-
 liament, they presented him.

It represented that "the petitioners, as well for
 themselves as deputed on the part of certain inha-
 bitants of Lower Canada who signed divers peti-
 tions presented to His Majesty and both Houses of
 Parliament during its last Session, praying to be
 protected in their just rights as British subjects,
 have found it their indispensable duty most humbly
 to submit to Your Excellency, that still suffering
 under the grievances and abuses of which they com-
 plained in the said petitions, they cannot but enter-
 tain a lively anxiety that their condition may in no
 respect be rendered worse, in the humble expecta-
 tion that His Majesty and Parliament, after having
 afforded them a full hearing, will extend to the afore-
 said petitioners that relief which they therein du-
 tifully implored.

“Your petitioners further humbly represent :— Chap.
 “That it is the ancient and undoubted right of xxxvi.
 British subjects not to be compelled to contribute 1835.
 to the public expenditure otherwise than according
 to the provisions of law.

“That by Act of the British Parliament, 31 Geo.
 III., cap. 51, establishing the Government of this
 Province, the power of making laws not repugnant
 to the said Act is vested in His Majesty by and with
 the advice and consent of the Legislative Council
 and Assembly of the said Province and not other-
 wise.

“That no application of monies levied on the
 subject in this Province can be lawfully made, un-
 less by Acts made and consented to by the three
 branches of the Legislature constituted by the said
 Act, or by virtue of the King's lawful prerogative
 over the revenues that may appertain to the Crown,
 or by laws having force in this Province.

“That the claim which has recently been insisted
 upon by the House of Assembly, and occasionally
 acted upon by the Legislative Council to obtain, by
 separate addresses to the Governor, advances of un-
 appropriated money, under the plea of defraying
 contingent expenses, but in reality embracing the
 payment of salaries or allowances not legally estab-
 lished, and more particularly as respects the preten-
 sions of the Assembly for expenses not incurred or
 to be incurred for the business of the Session of
 that House, is altogether unfounded in law, unsup-
 ported by parliamentary usage, and subversive of
 the rights and liberties of British subjects.

“That among the various instances in which this
 claim has been set up, none is more calculated to
 produce alarm in the minds of His Majesty's sub-
 jects than the encouragement held out by the reso-
 lutions of the Assembly, of the 21st February, 1834,
 to the supporters of the majority in that body to

Chap. organize committees of correspondence, and the
 xxxvi. pledge therein tendered of the public funds of the
 1835. Province for the reimbursement of the expenses to
 be incurred by such committees in furthering their
 views, which proceeding is open usurpation of
 powers not conferred on the Assembly by the law
 and Constitution of the Province, is destructive of
 order and government, and subversive of the rights
 and liberties of His Majesty's subjects therein.

“That in the present state of the representation
 in the House of Assembly, wherein those who con-
 tribute a very large proportion of the Provincial
 revenue are not represented, and the majority of its
 members are elected by people claiming a nationality
 distinct from the rest of His Majesty's subjects, and
 acting under the influence of prejudices and feelings
 hostile to those of other national origins, the power
 claimed by the House of Assembly of disposing of
 public money without the consent of the whole Le-
 gislature, cannot be expected to be exercised for the
 common welfare of all His Majesty's subjects in this
 Province, but rather in furtherance of hostility to
 numerous classes of their fellow-citizens, and for the
 reward of unprincipled and corrupt partizans and
 supporters, whereby the danger to the rights and
 liberties of the subject is rendered imminent.

“That one of the great advantages of an elec-
 tive branch of the Legislature, is the check which
 ought to result therefrom on profuse and unnecessary
 expenditure of public money on the part of the Ex-
 ecutive officers, but that this check would become
 altogether unavailing if the Assembly were to obtain
 the distribution of public money among themselves,
 or persons of their own choice, without the consent
 of the other branches, and the subject be thus left
 without sufficient security against rapacity, corrup-
 tion and tyranny.

"Your petitioners therefore most humbly pray Chap. that Your Excellency would be pleased to take the xxxvi. premises into your favorable consideration, and extend to your petitioners herein the protection of their Most Gracious Sovereign; and your petitioners as in duty bound, will ever pray." 1835.

To which His Excellency replied:—

"GENTLEMEN,—I receive this Address with all the consideration which is due to the character of the wealthy, influential and enlightened gentlemen by whom it is brought before me, and to the value and usefulness in the Colony of those whose wishes it purports to convey.

"But as within twenty-four hours, my course upon the matter, to which your petition refers, must be declared to the Legislature, I cannot think that any good end could be gained, by anticipating the announcement. I will only state that I am furnished with precise instructions on the subject from His Majesty's Government, whose motives, I beg you to be assured, are guided by the sole desire of advancing the happiness and welfare of all classes of His Majesty's Canadian subjects."

The Session was opened on the 27th October, with the following speech from the throne by His Excellency:—

Gentlemen of the Legislative Council,

Gentlemen of the House of Assembly,

"It is in no ordinary circumstance that I meet you, and consequences of vast importance depend on the impression you may receive from my words. Dissensions have almost arrested the course of Government. The supplies required for carrying into execution the laws by which society is held together, have now for a considerable period been withheld.

The most urgent and conflicting statements of numerous grievances by adverse parties, have been

Chap. borne to the Throne of His Majesty ; but accompanied
 xxxvi. with expressions of an apprehension that the Ministers
 1835. of the Crown might not have that practical and local knowledge of the Province, which is necessary for the discernment of the most appropriate remedies. I am sent amongst you therefore, not only as your Governor, but as the head of a Commission upon which the task is imposed, of enquiring fully, and upon the spot, into the complaints which have been made ; and of offering to the King, and to the Councils by which the Throne is surrounded, the deliberate conclusions of the Commissioners.

“ There are some cases in which the Executive power of the Government will of itself be sufficient to supply a remedy ; in others, though he cannot act by himself, yet with the help of one or both branches of the Provincial Legislature, he may effectually accomplish what is required ; there are others in which the laws and institutions of the United Kingdom make it impossible for us, without the enactments or sanction of the authorities in England, to effect what is asked ; so that if we were to act, we should be acting unlawfully ; if we were to make laws, they would be binding upon no one.

“ If these distinctions are borne in mind whilst I state to you the commands I have received from His Majesty, and the policy to which I shall adhere, I am confident that I shall satisfy all impartial minds of the magnanimity and wisdom with which His Majesty has listened to your complaints ; of the resolution which has been taken to redress every grievance under which any class of His Majesty's Canadian subjects may labor, and of my determination to do all of which I am capable, in giving effect to these generous and wise intentions. As Governor, I will execute with alacrity, impartiality, and firmness, whatever I am competent to do of myself ; as head of the Provincial Legislature, I will zealously

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I will zealously

co-operate with its other members in the redress of every evil they may find occasion to correct; as Commissioner, I pledge myself that a prompt, but careful examination will be made of those still weightier matters which depend upon the highest powers of the Empire; and that having with the most anxious thought and solemn deliberation, arrived at our conclusion, the Commissioners will state them with an earnestness of purpose, calculated to give additional force to the authority which they ought to derive from having been deemed worthy of so grave a charge.

"In what I shall now proceed to communicate, it is not my design, nor am I authorised by His Majesty, to condemn or applaud generally the conduct of any one; the abatement of dissensions, and the conciliation of adverse parties, are the objects at which I aim: the good will of the Canadians of all ranks and classes; the confidence of the representatives of the people, the respect of all branches and members of the Government are what I ardently desire to earn and to retain, and in this I hope to succeed, because I am conscious that my intentions deserve it. With as much freedom from fear or favor as I have promised to act, I will now speak of the things of which you have complained, and of the remedies which I hope to see applied.

"It is affirmed that the French origin of the majority of the inhabitants of Lower Canada has been made a pretext for excluding them from office and employment, and for retaining them in a state of political inferiority. I disclaim, on the part of His Majesty and of the British people, so ungenerous a motive. Having long ago become a part of the family of British subjects, our constitution recognises nothing, as a mark of disfavor, which may denote the estrangement of their ancestors in a former century. It regards nothing in the present genera-

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1835.

Chap. tion as demerit, save misconduct. The circum-
 xxxvi. stances which united this country with the British
 1835. Empire, must necessarily have occasioned for some
 time afterwards an exclusion of its prior inhabitants
 from offices of government, and the bias unavoida-
 bly received may in some degree have influenced,
 even to the present day the course of affairs.
 Neither is it possible, in the distribution of political
 offices at any time, or in any circumstances, to be
 guided entirely by a reference to the number of in-
 dividuals who may be comprised in this or in that
 class. But I assure you that in this respect, my
 instructions enjoin upon me the utmost impartiality,
 and an entire disregard of distinctions derived from
 difference of origin. Fitness for the trust is the
 criterion to which mainly, if not entirely, I am to
 look,—and I do not hesitate to avow the opinion,
 that in every country, to be acceptable to the great
 body of the people is one of the most essential ele-
 ments of fitness for public station.

“So great is the solicitude of His Majesty to take
 the most effectual security against the occurrence of
 any abuse in the distribution of His patronage, that
 He has commanded the adoption of arrangements
 designed to elicit a far more particular account than
 heretofore, of the exercise of this part of His dele-
 gated authority in Lower Canada; and He has been
 further pleased to direct that all offices in His gift,
 of which the emoluments shall exceed a stated sum,
 shall not be granted, except under the public seal
 of the Province, in pursuance of warrants to be
 issued for that purpose by His Majesty.

“Complaint is also made that incompatible offices
 are in some cases held by the same person. In
 whatsoever degree this grievance may be found to
 exist, His Majesty has signified to me his expecta-
 tion that it should be completely remedied. Com-
 mencing with the highest, I have formed the opinion

The circum-
stances of the British
Government for some
years past have been
influenced, in a
great measure, by
the political
situation of the
country. It is to be
remembered that the
number of in-
habitants in this
country, in 1835,
was 1,500,000.
In this respect, my
views are derived
from the fact that
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that it is neither right nor consistent with the whole- Chap.
some separation and independence of the principal ^{xxxvi.}
bodies of the Government, and with the dignity of their _{1835.}
members, that out of the limited number of Execu-
tive Councillors in this Province, several should hold
offices under the Legislative Council and House of
Assembly. I desire, however, that it may be under-
stood that no dissatisfaction with the conduct of the
members of the Executive Council, nor any mark
whatever of His Majesty's displeasure is intended to
be conveyed. The immediate retirement of those
gentlemen who prefer to retain their appointments
under the Legislative body, might embarrass or in-
terrupt the proceedings of the Court of Appeals, but
I felt it my duty to impart to them the conclusion
to which my mind had come: I shall communicate
the same opinion to the proper authorities at home,
and I entertain no doubt that as soon as their places
can be supplied, according to the forms prescribed
by law, effect will be given to the wish they have
expressed to relinquish their seats in the Executive
Council. My views are not limited to these cases.
No union of incompatible or incongruous offices
will be willingly acquiesced in by me: but I wish
to be understood as speaking of offices of which the
duties cannot conveniently or with propriety be dis-
charged by the same person. In some instances,
the division of offices is merely nominal, and the du-
ties are more conveniently discharged by one person,
than they could be by two. In other instances, the
salary of the office is so small, or its duties so seldom
called for, that without a union with some other,
the employment could only be made acceptable to a
competent person by an increase of emolument.

"It is stated as a grievance that the Government
has at various times refused to give the Legislature
access to accounts, and other documents, which were
necessary for the prosecution of its enquiries, and

Chap. that the Executive has not in all cases communicated
 xxxvi. when requested, the despatches which have passed
 1835. between the Colonial Department and the local
 Government. His Majesty's Government fears that
 the Assembly may have been exposed to some inconvenience from this source. The rule which I am instructed to follow, is a freedom from all unnecessary reserve; I am commanded to withhold no information from the Provincial Legislature which can be communicated without a violation of confidence, of special detriment to the public service; and in particular, I am to offer you the fullest assistance in investigating every thing connected with the revenue and with finance.—There is scarcely any document within the power of the Government, which it will not always be willing to lay before you, except those confidential communications with the authorities at home, or with its own officers here, which, it is obvious could not be made public in all cases and at all seasons, without extreme inconvenience. As an earnest of the sincerity of those intentions, I have given directions that a copy of the annual return, generally known as the Blue Book, should in future be presented to each branch of the Legislature; and since correct information on the statistics of the Province is an object of general importance, I invite your assistance in rendering all returns of this nature as accurate and as comprehensive as possible.

“The too frequent reservation of bills for the signification of His Majesty's pleasure, and the delay in communicating the King's decision upon them, is a grievance of which His Majesty's Government are solicitous to prevent the recurrence. I shall consider the power of reserving bills as a right to be employed not without much caution, nor except on some evident necessity. His Majesty's Government also undertake, on their part, to bestow the most prompt attention on every question of this nature,

which may be brought under their notice ; and especially, that no measure having for its object the institution, in the Provinces, of any Colleges or Schools for the advancement of Christian knowledge or sound learning, shall hereafter be unnecessarily deferred.

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1835.

“Connected with this subject, is the lapse of time which, it is stated, has on various occasions, occurred in conveying to the Legislature His Majesty’s answers to their addresses. It is very possible that delays which all would regret, may have taken place ; in some instances, perhaps, occasioned or prolonged by circumstances which no activity or zeal in His Majesty’s service could have obviated ; but His Majesty takes so deep, and if I may use the expression, so personal an interest in the affairs of this country, that His Ministers have received the most unqualified commands to lay before His Majesty, immediately on its arrival in England, every communication which either branch of the Legislature may address to the Throne, and to see that His Majesty’s answer be conveyed to the Province with the utmost possible despatch.

“There have been several complaints of other matters ; such as of the undue preference of the English to the French language ; of improperly calling on the judges for extra judicial opinions on matters which might subsequently come before them for decision ; of an interference in the elections of the representatives of the people, and of other matters on which I should scarcely have thought it necessary to make any special observations, because I can assure you, generally, and without reservation, that any course of government liable to such imputations would be marked by the displeasure of His Majesty, and because I rely upon your giving me so much of your confidence as not to suppose beforehand that I should subject myself in these respects to any just reproach.

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“ With respect, however, to any undue partiality to the English language, it may not be superfluous to apprise you more explicitly that His Majesty disapproves, and is desirous to discourage and prevent the adoption of any practice which would deprive either class of his subjects of the use, in their official acts, of that tongue with which early habits and education may have rendered them most familiar ; and that if you should deem requisite to pass a law, for securing both the English and French inhabitants of this Province against any disadvantage arising from an undue preference to either language, I should be prepared willingly to assent to the measure.

“ It has been represented as another grievance that exorbitant fees have been charged in some of the public offices. I have not yet been sufficiently long in the Province to have obtained accurate information on this subject ; but I am willing to concur with you in a revision of the fees of every office in the Province, and in the appointment, should you think it expedient, of a commission of enquiry for that purpose. His Majesty has no wish on the subject, but that the remuneration of all public officers, from the highest to the lowest, should be so regulated as to provide for the efficient discharge of the public service,—an object which cannot effectually be secured without a fair remuneration to the persons employed by the public.

“ I will readily co-operate, if it be desired, with a Committee of both Houses, or of either House, in an enquiry not only into certain rules of practice, made by the Courts of Law, which, it has been stated in addresses to the Throne, have exceeded the just authority of the Judges, but also into the practice and proceedings of the superior tribunals, with a view to rendering them more prompt and methodical, and less expensive. I apprehend, however,

that after such an enquiry, it might not be in the power of the Governor alone to apply any effectual remedy; and that I should require the concurrence of both branches of the Provincial Legislature in passing an act for the purpose.

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xxxvi.
1835.

"The Clergy Reserves are among the most extensive of the subjects adverted to in the complaints from the Province. The whole question, with a draft of a bill for the adjustment of the claims of all parties, has been already submitted to the decision of the Legislature, but was lost, apparently by some misapprehension of the intentions of His Majesty's government. As the best means of removing this misapprehension, I shall cause to be communicated without delay, copies of the Earl of Ripon's despatches on this subject: and I invite you to resume the consideration of the proposals which they contain.

"Gentlemen of the House of Assembly,

"To both branches of the Legislature I am authorized to offer my warrants for the payment of their contingent expenses. I have received the commands of our most gracious Sovereign to acquaint you that His Majesty is disposed to place under the control of the Representatives of the people all public monies payable to His Majesty or to His Officers, in this Province, whether arising from taxes or from any other Canadian source, but that this cession cannot be made except on conditions which must be most maturely weighed, and that to arrange such conditions for your consideration, is one of the principal objects of the Commission with which it has pleased His Majesty to charge myself and my colleagues.

Our enquiries into this subject shall be pursued with unceasing diligence, and the result shall be submitted with all practical speed to His Majesty's

Chap. government, and I hope, in a Session to be holden
 xxxvi. in the ensuing year, I shall be able to lay before
 1835. you proposals for a satisfactory and conclusive arrangement.

“ I have desired that the accounts which are necessary to show the financial state of the Province, with an estimate for the current year, should be submitted to you as soon as possible, and every explanation respecting them, which it may be in my power to afford, shall be furnished without reserve. The accounts show the large arrears that are now due for salaries to public officers, and for the other ordinary expenditure of the Government, and I earnestly request of you to pass such votes as may effect the liquidation of these arrears, and provide for the maintenance of the public servants, pending the enquiry by the Commissioners to which I have alluded.

“ Should you place the Government in this position, I am authorized to engage that no part of the surplus proceeds of the Crown Revenues which may accrue beyond the charges to which they are at present permanently liable, shall, in the interval of the Commissioners’ enquiry be applied to any purpose whatever, unless with your assent.

“ As connected with the subject of arrears, I am further commanded to ask of you the repayment to the military chest, of the sums advanced under the sanction of His Majesty’s government to meet the pressing exigencies of the public service. This advance was exclusively made from British funds, for the purpose of avoiding any undue interference with the revenue falling under the control of the Assembly, and with a strong persuasion that it would not prejudice the satisfactory adjustment of any of the questions at issue between His Majesty’s government and the House of Assembly. However the measure may have been subsequently understood,

such were the feelings with which it was adopted. Chap. XXXVI.
 It is obvious that this application does not call on you to grant the smallest amount more than would have been required if there had been no advance. 1855.
 His Majesty therefore hopes, that an issue made in reliance on the just and liberal feelings of the House of Assembly, and designed for no other purpose than to prevent a highly inconvenient interruption of the general business of the Province, will be cheerfully repaid.

"In the absence of any legal provision for the purpose, I took on myself the responsibility of continuing the Quarantine Establishment, at Grosse Isle, on the same footing as I found it, relying on your liberality to make good an expenditure thus incurred, solely for the public advantage.

"I am happy to state that the Establishment was closed at an earlier period than usual, in consequence of there having been, for several weeks previously, no sick of any description in the Hospital. I avail myself of this opportunity to suggest to you the expediency of indemnifying the proprietor of the Island, for its past occupation in the public service, and of enabling the Government to obtain possession of it, should the continuance, there, of a Quarantine Station be deemed advisable.

"I have to announce that the suit instituted by the Crown against the late Receiver General for repayment of the debt due to the Province has been brought to a termination, which makes the estate of the defendant applicable to the satisfaction of the demands of the Province. I may also announce to you that the party against whom the adjudgment has been given, has come to the determination to relinquish his seat in the Legislature of the Province, and to abstain from the exercise of all rights and privileges attached to it.

continued

Chap. "Gentlemen of the Legislative Council,

xxxvi.

"Gentlemen of the House of Assembly,

1835.

"In requesting your attention to such useful Statutes as may have recently expired, I beg to recommend to your more immediate notice, one, the expiration of which has affected the system of strict reciprocity requisite to be maintained in our commercial intercourse with the United States.—I allude to the Act passed in the 4th year of the Reign of His present Majesty, entitled, 'An Act to continue for a limited time, and to amend certain Acts therein mentioned, relating to the collection of the Revenue at the several inland ports of the Province.' I would also recommend to your consideration the whole question of prisons, and prison discipline, and the expediency of adopting some more effectual methods than at present exist, for repressing crime, which, I regret to say, appears to be on the increase in the Province.

"Of the Commission of which I have spoken to you, it will be the first and most urgent duty to prepare with deliberation and the utmost care, and yet without delay, the heads of a Bill for the giving up to the appropriation of the House of Assembly, the net proceeds of the hereditary revenue, and to prepare it in such a form that it may be acceptable to the various authorities, whose sanction it may require, or under whose cognisance it may come. In what form precisely this important concession may be finally made, it would now be out of place to discuss; but it will be necessary that two points should be secured,—First, that the management of the sources of that revenue of which the proceeds are to be appropriated by the House of Assembly, should be reserved to Officers of the Crown, whose accounts will be open to the inspection of the Legislature of the Province. Secondly, that

a provision should be made for the support of the Executive government and for the salaries of the Judges by an adequate civil list.

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"The much agitated questions respecting the tenures of land and the registry of titles, and all the complicated considerations connected therewith, will also form a subject for the review of the Commissioners; and they are directed to make a complete investigation of the conflicting claims of the Crown and of the Seminary of St. Sulpice, within the Seigniorship of Montreal—what constitution and course of proceedings would be most advantageous for the Executive Council—what system for the general education of the people—how the collection and apportionment between the two Provinces of the duties of Customs, levied within the waters of the St. Lawrence, may be best arranged, and what principle ought hereafter to be taken as a guide in granting or refusing to companies or associations any powers to be exercised, or privileges or capacities to be enjoyed within the Province, are also questions on which the Commissioners must report to the Crown.

"There are still graver matters which have been made the grounds of petition to His Majesty, and respecting which the Commissioners are not precluded from entering into an enquiry. But it would be painful to speak here of dissention between the two Legislative bodies whom I address, or to recapitulate the faults which have been found with the constitution of either body by the other. Let me invite you rather to follow that example of forbearance, moderation, and mutual respect, which, notwithstanding their differences of opinion, has been recently exhibited by the two Houses of the Imperial Parliament. The moment, as it seems to me, is a great opportunity for good or for evil. Let me entreat of you—that it may not be lost or thrown

Chap. away. Lower Canada is divided by two parties, and
 each of them appears to be agitated by apprehen-
 sions, which, I trust, are exaggerated. To the
 Canadians of French origin I would say, do not fear
 that there is any design to disturb the form of
 society under which you have so long been content-
 ed and prosperous. However different from those
 of her colonists in other parts of the world, Eng-
 land cannot but admire the social arrangements by
 which a number of enterprising colonists have grown
 into a good, religious, and happy race of agricultu-
 rists, remarkable for the domestic virtues, for a
 cheerful endurance of labour and privations, and
 for alertness and bravery in war. There is no
 thought of endeavoring to break up a system which
 sustains a dense rural population, without the exis-
 tence of any class of poor. England will protect
 and foster the benevolent, active and pious priest-
 hood, under whose care, and by whose examples, so
 much of order, of good conduct and of tranquil bliss
 is created, preserved and handed down from gener-
 ation to generation.

“Of the British, and especially of the commercial
 classes, I would ask, is it possible you should suppose
 that there can be any design to sacrifice your inter-
 ests, when it is clear to all the world that commerce
 is one of the main supports to the British system of
 finance; that without it the wonderful fabric of
 British power and dominion would crumble into
 dust, and that it is especially the object and purpose
 for which at a vast expense the mighty colonies of
 England are maintained in every quarter of the
 globe? Rely upon it, that the great and powerful
 country from whence you have removed yourselves
 to these shores, will not abandon here the policy
 which has established the prosperity of her people
 in every other region; and that a Government of
 which constancy and good faith are the main ele-

ments of power, will not fail to sustain in this portion of the Empire the spirit of that Constitution, which has so long been held out as a boon to its natives, and an inducement to the settlers who have embarked in it their enterprise, their wealth and their hopes of individual happiness.

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“In a declaration put forth by many among you, who inhabit this city, I have seen the following objects enumerated: First, to obtain for persons of British and Irish origin and others, His Majesty’s subjects, laboring under the same privation of common rights, a fair and reasonable proportion of the Representation in the Provincial Assembly. Secondly, to obtain such a form in the system of Judicature, and the administration of Justice as may adapt them to the present state of the Province. Thirdly, to obtain such a composition of the Executive Council, as may impart to it the efficiency and weight which it ought to possess; Fourthly, to resist any appointment of Members of the Legislative Council otherwise than by the Crown, but subject to such regulations as may ensure the appointment of fit persons; Fifthly, to use every effort to maintain the connection of this Colony with the parent state, a just subordination to its authority; and Sixthly, to assist in preserving and maintaining peace and good order throughout the Province, and ensuring the equal rights of His Majesty’s subjects of all classes. If these objects are indeed all that are desired by the whole commercial interest, I trust it will be satisfactory to those who aim at them to know, that there is not one of them which is not strictly within the line of duty of the King’s Commissioners to take into consideration, to receive respecting them the fullest evidence and information which may be offered, and finally to submit to our Gracious Sovereign and His Ministers their important and well weighed conclusions.

Chap. "In the mean while, to the Canadians, both of
xxxvi. French and British origin, and every class and
 1835. description, I would say, consider the blessings you
 might enjoy, and the favored situation in which, but
 for your own dissention, you would find yourselves
 to be placed. The offsprings of the two foremost
 nations of mankind, you hold a vast and beautiful
 country, a fertile soil, a healthy climate; and the
 noblest river in the world makes your most remote
 city a port for ships of the sea. Your revenue is
 triple the amount of your expenditure for the or-
 dinary purposes of Government; you have no direct
 taxes—no public debt—no poor who require any
 aid than the natural impulses of charity. If you
 extend your views beyond the land in which you
 dwell, you find that you are joint inheritors of the
 splendid patrimony of the British Empire, which
 constitutes you, in the best sense of the term, citizens
 of the world, and gives you a home on every con-
 tinent and in every ocean of the globe. There are
 two paths open to you. By the one you may ad-
 vance to the enjoyment of all the advantages which
 lie in prospect before you; by the other I will not
 say more than you will stop short of these, and will
 engage yourselves and those who have no other ob-
 ject than your prosperity, in darker and more dif-
 ficult courses."

A Bill was introduced immediately after delivery
 of the above, for the appointment of an Agent for the
 Province, in England, (Mr. Roebuck being the man,) and
 passed by the Assembly, as if to signalize their
 disregard of the Commission just announced from the
 Throne, which, by the remarks that already had
 fallen from different members, it was now apparent
 they were determined not to recognize the mission
 of the Commissioners, not being, it was said, "au-

thorized by the Lords and Commons of Great Britain." Chap. XXXVI.

"On the 2nd November, and before the answer to the Governor's speech was agreed upon, an address to His Excellency, on motion of Mr. O'Callaghan was voted, praying him to inform the House whether he had any instructions from His Majesty's ministers, on the subject of the complaints preferred against Judge Gale, and that he would give the House copies of all the documents he might have in his possession relating to his case. The following debates took place on the subject:—

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"Mr. Vanfelson, addressing the Speaker, expressed his belief that it was not the practice of that House to address the Executive on any subject before the address in answer to the speech had been presented, and that reason alone he thought would be sufficient to induce the hon. member to withdraw his motion; but if that was not sufficient, there were yet stronger reasons why he should do so; for he would ask, was it prudent at this moment to present an address of that sort? The head of the Executive told us in his opening speech that he would do all in his power to enquire into all grievances and apply remedies to them. According to his view, therefore, to adopt the course now proposed, would be plainly to declare that the House had no confidence in an administration which had promised to look into the state of the country with alacrity and diligence; it would be to paralyze before it could go into effect, the enquiry about to be undertaken by the Royal Commissioners; it was depriving the present administration of the opportunity which it had a right to expect would be afforded to it of doing good. The hon. member for Yamaska (Mr. O'Callaghan) has told us, that he believed the Governor in Chief to be a man of perfect integrity, and ready to render justice where justice was due—why

Chap. then, should they not wait? If the Executive has
 any instructions in regard to Judge Gale, they will,
 no doubt, shortly be communicated to the House.
 He would therefore say, that in his opinion, the
 manner of proceeding adopted by the hon. member
 was unparliamentary; but supposing even that it
 was in rule, there are considerations which ought to
 restrain us from acting with precipitation. He was
 entirely in favor of the object of this address, but
 thought it was too soon to present it, and a delay of
 two or three days would be immaterial.

“Mr. Berthelot rose and expressed his surprise at
 what had fallen from the hon. member who last
 spoke. Was an hon. member to be prevented from
 bringing forward a measure tending to the correction
 of a grievance, because the House had not yet replied
 to the speech? Was that sound logic? He entertained
 hopes that the Commission would do them justice,
 but he could not think that it would indicate any
 distrust of their good intentions, if they asked the
 Executive to communicate to them documents in
 which they were so deeply interested. The speech
 took no notice of that part of their complaint; it
 was therefore necessary to remind the Chief of the
 Commission that it had been overlooked.

“Mr. Lafontaine.—Similar motions had been
 brought forward every Session; and besides the hon-
 orable member for Yamaska (Mr. O’Callaghan)
 had said that he did not desire to present it to the
 Executive, until after the House had delivered its
 address in answer to the speech. They were told
 that the new Governor would redress their griev-
 ances. He, however, did not see that the Ninety-
 two Resolutions needed any such enquiry. The
 Assembly had complained, and their complaints
 were not made without sufficient grounds. All the
 members knew that the evils they complained of
 were real. To say that the Ninety-two Resolu-

tions needed to be looked into, would be to admit that they had been hastily passed, and without having been duly weighed and considered, which was far from being the case. The question did not regard a new Governor, or one person more than another; the matter before them was the correction of a vicious system which must be amended—it was not a question of persons, but of principles. It was of little consequence who governed, provided these evils no longer existed; by keeping that object steadily in view they would avoid all risk of involving themselves in contradiction.

“Mr. Gagy thought that by adopting the present motion, they would create a needless difference between the House and the Executive, and the more needless because a little delay would occasion no inconvenience. Besides he did not think that the charges brought against Mr. Gale were of a nature to cause the removal of that gentleman from the Bench. He should therefore vote against the motion, not on account of dissenting as to the time or form, but that he thought it altogether uncalled for.

“Mr. Rodier differed altogether from the hon. members who had spoken. The hon. member for the Lower Town of Quebec, (Mr. Vanfelson,) had said that he considered the motion of the hon. member for Yamaska, (Mr. O’Callaghan,) as premature, and gave as a reason that there was now a Commission instructed to enquire into their grievances, and that it was proper to answer the speech of the Governor in Chief, before they presented any other address to His Excellency. Another hon. member had said that the motion before them would have the effect of provoking the attention of the Noble Commissioners. These hon. members, to judge by their speeches, would invest the Commissioners with an official character in opposition to the Assembly. This impression he desired to remove. That House had nothing

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Chap. in common with the Commission. It acknowledged,
 xxxvi. as it was bound to do, the authority of the Governor,
 1835. nor, but not that of the Commissioners. Our grievances are not of recent birth, they are known, and have too long weighed upon the people. The appointment of Judge Gale was a grievance. Mr. Spring Rice had himself promised, had he remained in office, to refuse his sanction to that nomination. The application proposed by the hon. member for Yamaska could not displease Lord Gosford, for His Excellency could not in the limits of an opening Speech embrace all their grievances; His Lordship had, however, promised the House the communication of all documents in his possession relating to them, and, therefore, they would show no distrust of his promise by asking him specially for the papers relative to the appointment of Judge Gale.

“Dr. Kimber would observe, that the appointment of Mr. Justice Gale, to act in the place of Mr. Justice Vallières, at Three Rivers, was a proof that the Executive had paid no great attention to that part of their grievances.

“The motion was then put and adopted by a majority of 49 to 8.”

In reply to the Address, the Governor said:

“Gentlemen,—I request you to acquaint the House of Assembly that I have not received any instruction from His Majesty’s Ministers on the subject of the complaint of the House mentioned in this Address, and that I shall cause to be conveyed to the House, without delay, copies of all such communications and despatches asked for in this Address as are within my reach, relating to the nomination of Samuel Gale, Esquire, to be one of the Judges of the Court of King’s Bench for the District of Montreal.”

The appointment of Mr. Gale by Lord Aylmer to the bench of Montreal, was sustained by the Home Government. A part of the correspondence relating to this gentleman, between the Governor and Colonial Secretary, is given below.*

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* Downing Street, 28th February, 1835.

My Lord,—Having perused your private letter to Mr. Hay, of the 23rd ultimo, referring to Mr. Spring Rice's despatch of the 11th November, 1834, on the subject of Mr. Gale's appointment to a seat on the bench at Montreal, I cannot hesitate to acknowledge that the reasons urged by Your Lordship for the confirmation of Mr. Gale are conclusive; and I have the satisfaction to acquaint you that His Majesty has been pleased accordingly to approve of this appointment. Your Lordship has not indeed answered specifically that part of my predecessor's speech, of the 11th November, which related to the place of Mr. Gale's birth; but the general nature of your communication seems sufficient to indicate that this gentleman cannot be laboring under any disqualification as an alien.

However desirable it may be that the selections for the bench in Canada should at all times be free from political bias, or undue partiality towards either of the prevailing parties in the Province, yet I am so fully alive to the difficulties which must occur in the execution of the plan pointed out by my predecessor, that I cannot venture to anticipate its success upon trial, nor consequently to instruct you upon it.

I shall confine myself therefore to the expression of my conviction, that when any future occasion may arise for recommending an appointment of this kind, Your Lordship will weigh with the most scrupulous anxiety, the claims of those who may be considered as the fitting candidates, and that you will not allow any circumstances to interfere with the fair pretensions of the French Canadian portion of the Bar, whenever they can be satisfactorily supported.

I have, &c.,

(Signed.)

ABERDEEN.

Lieut. General Lord Aylmer, K. C. B., &c., &c., &c.

Extract from a despatch from Lieutenant General Lord Aylmer, to the Right Honorable the Earl of Aberdeen, K. T., dated Castle of St. Lewis, Quebec, 18th March, 1835.

The House of Assembly next complain "that even the sacred character of justice has been recently polluted in its source, by the appointing to the high office of Judge, for the District of Montreal, a man who was a violent and decided partizan of the administration of the Earl of Dalhousie, and the declared enemy of the laws which he is bound to administer."

Chap. The draft of an address in answer to the Speech
 XXXVI. from the throne having been prepared by a select
 1835. Committee and reported, the House resolved itself
 into committee of the whole to deliberate upon it.
 All notice of the commission being avoided in it, an
 amendment was proposed to the following effect:—

We consider it a proof of the wisdom and magnanimity with which His Majesty has listened to our complaints, that a Commission, of which Your Excellency is the head, has been appointed for the purpose of enquiring fully, and upon the spot, into the complaints which have been made, and we confidently hope that the conclusions to which the Commissioners will come, and the final result of their labors will be satisfactory to all classes of His Majesty's subjects."

This however was negatived. Mr. Papineau declaimed at great length and with much warmth on the proposed amendment.

"The appointment above alluded to, is evidently that of Mr. Gale to be Puisné Judge for the District of Montreal; and the charge of the Assembly, that he is the declared enemy of the laws he is bound to administer, is one of so great importance, considering the high judicial situation of the accused party, that it may be presumed the Assembly will follow it up by a more formal proceeding directed against Mr. Gale, individually, in which case, an opportunity will be afforded him of defending his own character.

I will therefore only remark, with reference to the appointment of Mr. Gale, that he is indebted for it to his own character for integrity and professional knowledge, and to the recommendation of a gentleman holding one of the highest judicial appointments in the Province, and who himself is universally respected.

For the rest, the political opinions entertained by Mr. Gale, whatever those may be, have never been brought under my notice in the course of my administration, by any act or proceeding of his; and it did not appear to me either necessary, or proper, when the question of appointing him to a seat on the bench was under my consideration, to refer to political controversies long past, and upon the merits of which a great diversity of opinion prevails in the Province.

CASTLE OF ST. LEWIS, Quebec, May 7, 1835.

MY LORD,—With reference to Your Lordship's despatch of the 28th of February, acquainting me that His Majesty has been graciously pleased to approve of the appointment of Mr. Gale to a seat on the bench as Puisné Judge in the District of Montreal, I have now the honor of informing Your Lordship (with reference to

He considered he said the appointment of the Commissioners an insult to the House, it cast a doubt upon the representations which had been gravely and deliberately made by that body in their petitions to the King and to the two Houses of the Imperial Parliament. If information was wanted on the grievances of the people, the House was the proper channel through which it was to be obtained, and to seek it by any other was degrading and insulting to the representative branch. The act which gave a Constitution to Canada, he said had been referred to as a boon for which the Canadians ought to be grateful. He saw no cause for gratitude; it had conferred no favor on any class of His Majesty's subjects. Those who were of British birth enjoyed all that it conferred as their patrimony—and those who

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an observation of Mr. Spring Rice, in relation to the place of Mr. Gale's birth, contained in his despatch of the 11th November, 1834, that Mr. Gale was born in East Florida, when that country formed part of the British dominions, and that he is therefore to all intents and purposes a British subject. I am likewise informed that Mr. Gale's father rendered very essential services to the British government, and that he was employed as Civil Secretary to General Prescott, when Governor of this Province.

I am truly desirous that Your Lordship should be persuaded of my solicitude, when recommending appointments to judicial situations, to weigh with the most scrupulous anxiety the claims of those who may be considered as the fitting candidates; and I can assure Your Lordship that my own views are in perfect accordance with Your Lordship's injunctions, not to allow any circumstances to interfere with the fair pretensions of the French Canadian portion of the Bar, whenever they can be satisfactorily supported.

The judicial and other legal appointments made during my administration of the Government, will fully bear me out in this assurance; and I would further take leave to draw Your Lordship's attention to the fact that since the date of the report of the Canada Committee of 1828, four gentlemen have been raised to the bench in this Province, and that Mr. Gale is the only one of those four not of French origin: the other three, Messrs. Vallières de St. Réal, Rolland and Panet, are all French Canadians.

I have, &c.,

(Signed,)

AYLMER.

The Right Hon. the Earl of Aberdeen, K. T., &c., &c., &c.

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1885. had been the subjects of France acquired the same rights on giving their allegiance to the new possessors of the soil, and becoming themselves British subjects.

The Commissioners, he asserted, had no constitutional or legal powers vested in them. They might, to be sure, draw up a report and submit it to His Majesty's government; if it coincided with the declared wishes of the House, who were competent also to report, well and good,—there would be no harm done, but their work would be superfluous; for, if they differed from what the Assembly advanced, they might be assured that that body would not recede one iota from what it had demanded, but would force its claims to the utmost.

The address being delivered by the Assembly, His Excellency thanked them for it, and especially for “the flattering and kind manner in which they had spoken of himself.” “It will,” he added, “be my constant study to adhere faithfully to the line of conduct which I stated to you at the opening of this session, and I shall feel truly rejoiced to find that course promote the good understanding which it is desirable to see re-established in this Province.”

These preliminaries being over, His Excellency sent down (9th November) a statement of arrears amounting to £105,098, due for the service of the Civil government, on the 10th October last, exclusive of the advance of £30,519, from the military chest, making in all £135,617, sterling, expressing his confidence that “the Assembly would see the necessity of proceeding without delay to a consideration of this part of the public accounts.” An address was voted at this sitting to His Excellency, for an advance of £22,000, as well to pay off arrears due by the Assembly as towards defraying the contingencies of the present session. To this he answered that, in conformity to what he had stated in his speech at the

opening of the session, on the subject of the contingencies, he cheerfully acceded to the prayer of the address.

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It has been observed that in 1832, the revenues arising from the Jesuits' Estates were liberally given up by the Crown, and appropriated by act of the Legislature to the purposes of education generally. The building in the City of Quebec, formerly the College of that body had, however, as before the act, remained since the extinction of the order, in the occupation of the military as a barrack. The Assembly very early in the session sent up an address to the Governor requesting "communication of all such further information as he may have received from His Majesty's government, on the subject of the prolonged occupation of the Jesuits' College in Quebec, by His Majesty's troops as barracks."

To this he answered, that he had received His Majesty's commands to inform the House, that His Majesty was anxious that these buildings should be restored as promptly as possible to their original use, and that this measure should not be delayed a day after other and adequate provision should be made for the accommodation of the troops." "It is," he added, "scarcely necessary to remark, that the proposal made in the address of the Governor in Chief on the opening of the session, to place under the control of the representatives of the people all the sources of local revenue, will deprive His Majesty of the means of providing for this object. As soon therefore as suitable barracks for the troops shall be provided, the Board of Ordnance will immediately issue the necessary instructions for evacuating the buildings in question." His Excellency's message was referred to a committee, "with an instruction to ascertain the actual value of the College and the ground attached to it, and also the annual revenue which might have been derived from the same during

Chap. each period of ten years, between the present time
 xxxvi. and that at which they were first taken possession of
 1835. by the military authorities ;” and here the matter
 rested, the Committee not having made any report.
 It was thought by many that the determination
 expressed in this message to retain the late College
 as a barrack, until other barracks of equal capacity
 were built at the provincial expense, (if the message
 were to be so understood,) did not correspond with
 the liberality which the Government had recently
 shown with respect to the other property of the late
 order of Jesuits. The erection of fortifications and
 places of accommodation for the Forces serving in
 the country, had hitherto been defrayed from the
 Imperial Treasury, and the present proposition bore,
 it was said, in appearance, an ungracious step to
 compel the Province to contribute towards the ex-
 penses of those works which belong to, and properly
 ought to be at the cost of, the Empire.

It being likely that the Bill passed by the Assembly
 for appointing Mr. Roebuck, Agent for the Province,
 would be thrown out by the Legislative Council, the
 House adopted a series of resolutions with respect to
 this gentleman, justifying him in the position he had
 assumed on behalf of the Province, in a corres-
 pondence with Sir George Grey, who had questioned
 the accuracy of some of his statements, as well as
 his authority for making them.*

*Resolved,—That this House has learned with regret, that in
 consequence of representations made to the Right Hon. Lord
 Glenelg, dated 5th June last, by John Arthur Roebuck, Esquire,
 Agent of this House in England, and accompanied by various ex-
 planations thereof, His Majesty's Secretary of State has, by letter
 of Sir George Grey, dated the 11th of same month, raised objections
 as to the powers possessed by the said Agent to expose and explain
 the proceedings of this House, its interests and sentiments, as well
 as those of the people of this Province, in such a manner as he
 should feel himself authorized to do by the powers conferred on
 him by the Assembly and its votes.

Resolved,—That the opinion whereby the Agent of this House, in England, is considered merely the simple bearer of official communications between the House of Assembly and the Colonial Office, would leave the House nearly in the same position as if it had no other channel of communication but the Governor of the Colony; that in the case in question the Agent of this House was warranted by the Resolutions of the Assembly which authorized him "to represent to His Majesty's government the interests and sentiments of the inhabitants of this Province, and support the petitions of this House to His Majesty and to both Houses of Parliament," and by the other proceedings of this House to make the representations, and to give the explanations contained in the minute of conference, dated 5th June last, that the said Agent was fully borne out in his answer to the Right Hon. Lord Glenelg, dated 17th June last, which contains a correct exposition of the right of this House to be heard before His Majesty's government, and of its opinions on the circumstances and measures of the time.

Resolved,—That the said John Arthur Roebuck, Esquire, was fully authorized, by the proceedings of this House of Assembly, to lay down, as he has done, as the basis of harmony and good understanding within this Province, and of confidence in the administrative or other measures to be adopted by His Majesty's government, the Constitutional Reform, by means of election of the Legislative Council; the entire control by the House of Assembly of the public revenues of the Province, and of the salaries of public functionaries therein; the repeal of the obnoxious acts passed by the Parliament of the United Kingdom, wherein the latter legislated for the internal government of this Province; the abolition of undue privileges founded on the said acts; and the redress of abuses existing in the Courts, in consequence of the appointment of improper persons to the bench.

Resolved,—That this House has the greatest confidence in the talents and zeal of the said John Arthur Roebuck, Esquire, and in the rectitude of his proceedings; and that this House request him to continue to the people of this Country and their Representatives, those services which have deservedly ensured to him the warm gratitude of the inhabitants of this Province.

Resolved,—That it is the opinion of this Committee, that in the event of the Bill passed by this House on the 3rd of November inst., appointing the said John Arthur Roebuck, Esquire, Agent for this Province, not becoming a law, the said John Arthur Roebuck, Esquire, be requested as Agent of this House, to represent to His Majesty's government, the interests and sentiments of the inhabitants of this Province, and to support the petitions of this House to His Majesty, and to both Houses of Parliament.

Resolved,—That it is the opinion of this Committee, that in case the said Bill should not become a law, it is right that the Clerk of this House should pay to the said John Arthur Roebuck, Esquire,

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Chap. or to his order, out of the monies appropriated for the contingent
xxxvi. expenses of this House, a sum not exceeding six hundred pounds,
 sterling, annually, to indemnify him for his care and services in
1835. his said quality of Agent; and that the said Clerk be in like manner
 authorized to advance to the said John Arthur Roebuck, Esquire,
 a sum not exceeding five hundred pounds sterling, for one year,
 to meet his disbursements and contingent expenses in his said
 quality, of which said disbursements and expenses an account
 shall be rendered to this House every six months. Yeas 53;
 Nays 6.

“The Quebec Mercury” of the 14th November remarks on this subject:—

“The Legislative Council yesterday threw out the Agent’s Bill, the Committee of the House, on rising, having been refused leave to sit again. The objection was to the nomination of Mr. Roebuck, the majority of the members feeling that they could not, without compromising their respectability, hold intercourse with a man who had declared that body a nuisance.

In the debates that arose in the House of Assembly on this matter, as they were published, Mr. Papineau is represented as having said that he was a republican, and hoped with all his heart that the time would yet arrive when the emissaries of republican America would organize republics in Europe.”

The “Canadian,” a journal then in the interests of Mr. Papineau gave another version, according to which he was made to say that “the time had gone by when Europe could give monarchies to America; on the contrary an epoch was approaching when America would in its turn give republics to Europe.” Time alone can verify how far Mr. P. was in error or correct.

Among the addresses voted shortly after the opening of the session by the Assembly, there was one requesting copies of all legal opinions from time to time given by the Crown Officers to the Executive, with regard to the interpretation and execution of an act

or ordinance relating to the building or repairing of Chap. churches, parsonage houses and church yards. To ^{xxxvi.}
this His Excellency answered :

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"With respect to the copies of legal opinions mentioned in the address, I request you to inform the House of Assembly, that, although in the present instance the opinions in question may not contain any matter that would render their publicity inexpedient, it would be obviously inconvenient to depart from the principle established for the public advantage, that the communications which the confidential Officers of the Crown are called upon to submit for the consideration of the Executive should, except in peculiar cases, be held sacred. A breach of confidence in this respect must tend to deprive the Government of the full and unreserved assistance of its legal and constitutional advisers, and thereby eventually produce a pernicious effect on the efficient administration of the public service.

"Under this impression, which is in accordance with the principles I announced in my address at the commencement of the session, I must, though reluctantly, decline to furnish this part of the information prayed for."

The public accounts with the usual statements of the revenue and expenditure of the preceding year were laid before the Assembly early in the session, and with them the estimates for the current year, His Excellency expressing by message his confident reliance upon the liberality of the Assembly for the necessary supplies.*

* By the Public Accounts, laid before the Assembly, it appeared that the gross amount of revenue for the year ended the 10th October, 1835, was £205,910 sterling, leaving to Lower Canada, after deducting £54,876 due to Upper Canada as its proportion, together with £7,327 for collection, and several small items for commission on incidents, drawbacks, &c., a net revenue of £140,747. The net increase arising from duties under the Imperial Act, 14 Geo. III., which for the year 1792 did not amount to £5,000, (see vol. 1, page 152,) now exceeded £50,000 The Casual and Territo-

Chap. The Standing Committee on grievances, which
 xxxvi. with the other usual Standing Committees had
 1835. been revived with the session, was on motion of Dr. O'Callaghan instructed "to enquire into the proceedings," (the result whereof had been laid last session, by message from Lord Aylmer, before the Assembly as already mentioned,) "adopted by either house of the Imperial Parliament, relative to the petitions addressed by this House and by the people of this Province to His Majesty, and the said Parliament, in the year 1834, on the state of the Province." These were the petitions framed on the 92 resolutions.*

The menacing attitude assumed by the Assembly, and the hostile language used by members in the debates daily occurring in it, and seconded by that of their supporters throughout the Province, particularly in the District of Montreal, afforded just cause of alarm to the loyal population, who, deeming the Government criminally supine, began seriously to look to their defence independently of it. The spontaneous formation of a Volunteer Rifle Corps was proposed at Montreal, and immediately filled up by young men of that city, who, to legalise the corps, made a tender to the Governor of their services in case of need.†

rial Revenue had also from £720 for the former year now increased to £5,209.

* The famous 92 Resolutions have been ascribed to the joint labours of different members of the Assembly, they were, however, composed from first to last by Mr. Papineau.

† "To His Excellency the Right Honorable Archibald, Earl of Gosford, &c., &c., &c., Governor in Chief of the Province of Upper and Lower Canada, &c.

"The Memorial of F. C. T. Arnoldi, of Montreal, Doctor of Medicine; Francis Hunter of Montreal, Merchant; Robert Weir, junior, of Montreal, Merchant; Aaron P. Hart, of Montreal, Advocate; and Robert McKay, of Montreal, Gentleman—on behalf of themselves and others, His Majesty's faithful subjects residing in Montreal, respectfully sheweth to Your Excellency:

"That at a meeting of certain of His Majesty's faithful subjects, residing in the City of Montreal, held on the 16th of the present

The offer, however, was declined by the Governor in Chief,* but the organization of the corps nevertheless proceeded, until the appearance of a pro-
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month of December, it was unanimously resolved, that it was expedient to form an Association to consist of eight hundred effective men, to be designated under the appellation of 'The British Rifle Corps.'

"That the individuals composing the said meeting being greatly desirous of following a mode of proceeding strictly constitutional, did on the 22nd day of December, unanimously resolve to memorialize Your Excellency, as His Majesty's representative in this Province, to obtain Your Excellency's sanction to the organization of 'The British Rifle Corps.'

"Your memorialists further beg leave respectfully to assure Your Excellency, that the sole aim of His Majesty's subjects, who are desirous of organizing themselves as above stated, and for which object Your Excellency's sanction is solicited, is to assist, so far as it may be in their power, to preserve inviolate the connection which exists between Great Britain and Lower Canada, and to maintain unimpaired the rights and privileges confirmed to them by the Constitution.

"Wherefore, your memorialists, who were at the said meeting appointed to address Your Excellency, on behalf of His Majesty's said subjects, do most respectfully pray that Your Excellency will be pleased to sanction the formation of the British Rifle Corps in Montreal, and also the nomination of such officers as may be appointed in the said Corps by those whom Your memorialists now represent.

"And your memorialists, as in duty bound, will ever pray."

* Castle of St. Lewis, Quebec, 28th December, 1835.

"GENTLEMEN,—I have received and laid before the Governor in Chief your memorial dated the 22d instant, in which, on behalf of yourselves and others, you pray the sanction of His Excellency to the organization of eight hundred efficient men, in Montreal, under the appellation of the 'British Rifle Corps,' for the purpose of assisting, as far as it may be in your power, 'to preserve inviolate the connection which exists between Great Britain and Lower Canada, and to maintain unimpaired the privileges confirmed to you by the Constitution.'

"I am directed to acquaint you in reply, that the connection and the rights which you mention, are not considered by His Excellency to be in danger; and that, if they were, their safety would be best provided for by the authority of Government, and not by the formation, in the time of entire peace, of an armed corps at the instance of private individuals. Such a measure is calculated not to promote the good purposes you state you have in view, but on the contrary, to endanger the public tranquillity, which, His Excellency desires me to assure you he is resolved to maintain

Chap. clamation putting it down took place, upon which
 xxxvi. the body dissolved itself. The proclamation declar-
 1835. ed the proceedings of the "British Rifle Corps," in
 Montreal, to be "unconstitutional and illegal," and
 "solemnly warned all His Majesty's leige subjects in
 this Province, to abstain from taking any part there-
 in, and against entering into any such unauthorized
 combinations, whereby they might draw upon them-
 selves the penalties consequent upon their violation
 of the law, and upon the claims which might result
 from a disturbance of the peace of this portion of
 His Majesty's dominions."*

against all attempts, from whatever quarter proceeding, to the full
 extent of the powers vested in him by law.

"I have the honor to be,

"Gentlemen,

"Your most obedient humble servant,

"S. WALCOTT,

"Civil Secretary.

"It was resolved that the Committee should prepare another
 address to His Excellency, stating on what grounds it was deemed
 necessary to establish a Rifle Corps in Montreal, and that in the
 meantime the organization of the Corps should proceed as if no
 answer had been received from His Excellency. The meeting to
 take place at Kauntz's, Nelson Hotel, on Thursday, of which due
 notice will be given in the newspapers."

* The Corps in dissolving itself in obedience to the proclama-
 tion, caused the following to be presented to Lord Gosford on the
 occasion.

"Whereas, Your Excellency having thought fit, 'by and with
 the advice and consent of His Majesty's Executive Council,' to
 suppress, by proclamation, an association in Montreal, under the
 denomination of the 'British Rifle Corps'—we, the late Committee
 thereof, consequently beg to inform Your Excellency, that imme-
 diately on such proclamation having been known, a spontaneous
 dissolution of the Corps was effected.

"Wherefore, it is hoped that Your Excellency, and such of His
 Majesty's Executive Council as advised Your Excellency in the
 adoption of such a measure, will duly appreciate the very tolerat-
 ing and peaceable disposition of the large number of which the
 Corps was composed.

"That Your Excellency has misconstrued the avowed deter-
 mination of the 'British Rifle Corps' to support and assist in main-
 taining the Constitution and British interests in this Province into
 acts subversive thereof, and that Your Excellency listened to the

The following resolutions passed, in consequence of the letter from Mr. Walcott, will explain the reasons assigned for the formation of the Corps and the exasperation that unhappily existed :—

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“Resolved, that this meeting considers it a duty to express its dissent from the opinion of His Excellency, as conveyed in the answer of Mr. Secretary Walcott, to the memorial of the Committee of the ‘British Rifle Corps,’ that the connection between this Colony and the Mother Country, and our rights and privileges as British subjects, ‘are not in danger.’

“Resolved, that the treasonable language uttered by the Speaker of the House of Assembly in Committees, the revolutionary doctrines disseminated by different Members of the majority of the House of Assembly, and some members of the Legislative Council, among the quietly disposed Canadians; the perseverance of these ‘would be’ republicans to excite a spirit of hatred against British born subjects and British interests, and the unqualified manner in which they have expressed their determination, to exert themselves to their utmost to obtain the abolition of the Legislative Council and a separation from the Mother Country, fully warrant this meeting in dissenting from His Excellency, who considers that

advice and consent of only such of His Majesty’s Executive Council as are avowedly hostile to every British subject and British interest in the Province, are suppositions which the line of policy your Excellency has adopted towards the British Rifle Corps, and the Gallicisms in your Excellency’s proclamation have rendered indubitable.

“In conclusion, as Committee-men of the British Rifle Corps we must express to your Excellency our regret that the day has arrived when, in a Colony conquered by British arms, a body of loyal subjects has been treated as traitors, by a British Governor, for no other crime than that of rousing themselves to protect their persons and property, and to assist in maintaining the rights and privileges granted to them by the Constitution.

F. C. T. ARNOLDI, M. D., F. HUNTER, R. M’KAY.

Chap. the connection and the rights and privileges mentioned in our memorial, 'are not in danger.'

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"Resolved, that this meeting does not entertain the slightest doubt that the authority of Government can provide for the safety, the connection, and the rights and privileges alluded to ; and it is in consequence of such conviction, that this meeting sees the propriety of organizing an efficient body of citizens, with the view to avert the necessity for the Government having to provide for the safety of that connection and those rights, and to afford a ready and effectual co-operation for their maintenance.

"Resolved, that this meeting has just grounds for again differing from His Excellency, when he states that this is 'a time of entire peace,' inasmuch, as it is notorious that during the last elections, a great number of Canadians from the neighbouring parishes, were induced by the French demagogues to assemble in Montreal, for the purpose of overpowering the British electors ;—that under the false pretence of more effectually providing for the safety of the city, nearly *five hundred* men were illegally added to the watch by the municipal authorities, and under that guise, this body, commanded by *two* or *three* Members of the present majority of the House of Assembly, did unprovokedly attack the persons, and destroy the property of His Majesty's liege subjects, and were subsequently remunerated for their services, out of the city funds ;—that a respectable and inoffensive citizen was wantonly attacked, and severely beaten in his own house, violently dragged thence and confined during a whole night, by the captain and others of the watch, and this with impunity.'

"Resolved, that a certain Member of the House of Assembly, notorious for his revolutionary principles, and who has the command of a company, an already organized Rifle Corps in this city, did, on the 5th May, 1834, address the following circular to the members of his company :—

' MONDAY, May 5, 1835.

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1835.

' SIR,—I request your attendance at drill this evening; I desire to know on whom I can depend, for Thursday next; being a holiday, the company will turn out to practise firing, and I will award a medal to the best shot. If you do not show more activity and zeal for the company, I am afraid it must be dissolved, *to the great joy of our political enemies.*

' Yours, &c.,

SABREVOIS DE BLEURY.

Captain.

That the political enemies here alluded to are the English, Irish and Scotch inhabitants of this Province, in opposition to those of French Canadian origin, and that the same individual, on a late occasion, with a portion of his company under arms, as his Excellency has been authentically informed, was guilty of conduct universally stigmatised as disgraceful to a soldier, and tending to a 'disturbance of the public tranquillity.'

"Resolved, that the fore-mentioned circumstances strongly demonstrate the determination which the revolutionary party has come to, of trampling under foot the liberties of British subjects, and of gaining an ascendancy by physical force.

"Resolved, that it is deemed expedient for the better preservation of those rights and privileges, conferred by the Constitution, to maintain the position already assumed by the British Rifle Corps, and as it can scarcely be expected that His Lordship will be pleased to reconsider his reply, and permit the reorganizing and arming of the Corps, that we proceed so far as justifiable in the organization and training requisite, so that in emergency our efforts may be the more prompt and efficient.

"Resolved, that our Committee draw up a communication and bye-laws for the government of the Corps, that these resolutions be published in all the Constitutional papers within this Province, and that

Chap. a copy be transmitted to Quebec, for the information
xxxvi. of His Excellency the Governor in Chief.

1835.

A memorial was addressed to His Excellency in consequence of the above, as follows:—

To His Excellency the Right Honorable Archibald, Earl of Gosford.

The Memorial of Frs. C. T. Arnoldi, of Montreal, Doctor of Medicine; Francis Hunter, of Montreal, Merchant; Robert Weir, Junior, of Montreal, Merchant; Aaron P. Hart, of Montreal, Advocate, and Robert Mackay, of Montreal, Gentleman—on behalf of themselves and others, His Majesty's faithful subjects.

Respectfully sheweth,

“That your memorialists beg leave respectfully to acknowledge the receipt of Your Excellency's reply to their former memorial of the 23rd ultimo, in which Your Excellency was pleased to state that the connection between this Colony and the Mother Country, and our rights and privileges, as confirmed to us by the Constitution, ‘were not considered by Your Excellency to be in danger.’

“That your memorialists have most respectfully to express, on the part of the body they represent, their regret that they cannot participate in the opinion so entertained by Your Excellency.

“That in support of the dissent of your memorialists they would beg leave to refer to facts—

“That the House of Assembly has repeatedly proclaimed a determination to effect a change in the Constitution of Government established in this Province, which cannot be reasonably looked for so long as the existing form of Government in the British Empire is preserved, and which, if effected, will inevitably cause a speedy separation of the Colony from the Mother Country. It has not hesitated to use the threat, that so soon as an increase in the Provincial population will justify the attempt, *that*

it shall be made, in order to maintain 'the inappreciable advantages of self government,' should that period not be anticipated by 'seeking elsewhere a remedy,' for their alleged grievances.

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1835.

"That the Speaker has, on the floor of the House, during the present session, declared his resolution to persevere in certain measures, in order to ensure a speedy dissolution of the connection between the Colony and the United Kingdom, and the establishment of Republican institutions in Lower Canada.

"For these reasons, and for frequent invasions of their rights and privileges by the Assembly, and *other constituted authorities*, your memorialists do not hesitate to assert that machinations are in progress dangerous to that connection, so happily existing, and to those rights and privileges which as Britons and the descendants of Britons, they are resolved to preserve against all attempts, from whatever quarter proceeding, at the sacrifice of their lives.

"Ill would it become your memorialists, and faithless would they be to that spirit which distinguishes the British nation, and which equally characterizes the population of British descent, spread over North America, did they not denounce as dangerous and criminal that delusion which prompts the fragments of a foreign race, inhabiting a small section of this Continent, to attempt to erect a distinct power, professing a policy and principles hostile to the spirit and institutions which predominate over that immense territory.

"Your memorialists would further beg leave to state, that the British Rifle Corps is composed of men banded together to promote good purposes, and incapable of stating anything but their real intentions, that they shall always be found prompt at the call of their King and country, eager to defend British institutions, and resolved to protect their rights and privileges as the dearest legacy of their fathers,

Chap. "And your memorialists as in duty bound will
xxxvi. every pray.

1835.

The Colonial Secretary, Mr. Spring Rice, had informed Lord Aylmer, by letter of the 11th November, 1834, that a vacancy had occurred in the office of Judge of the Vice-Admiralty Court, by the removal of Mr. Kerr, and that in consequence of that removal he had felt it his duty to suggest to him the expediency of resigning his seat on the Bench at Quebec. Mr. Spring Rice observed that he had not as yet obtained Mr. Kerr's definitive reply, but, doubted not that his resignation would be given in. Under these circumstances he requested Lord Aylmer to provide him with the names of six or more gentlemen, from amongst whom he should endeavour to select such persons as were best calculated to fill these important offices, (Judge of the Admiralty and Judge of the Court of King's Bench,) stating it also to be his desire that the offices held by Mr. Kerr should be in future severed. "At all times," he observed in this letter, "but more particularly at a moment like the present I feel it of the highest importance that no persons, who can be considered as strong political partizans, should be placed on the Bench in Lower Canada. It is of course too much to expect on the part of men engaged in an active profession like that of the law, an indifference to political opinions, but I may perhaps be permitted to hope, that at the Bar of Canada, individuals may be found whose demeanor and conduct have been calm and moderate, and such as not to create any personal indisposition on the part of the most reasonable portion of the public."

"Looking," he continued, "at the list of Judges of Lower Canada as it stood before the late events, I perceive that out of twelve names, there are but three which bespeak a French origin. I need not point out to your Lordship the extreme importance

that in any selection to be made for the Bench, a **Chap.** complete familiarity with and knowledge of the **xxxvi.** French language and of Canadian law, should be considered as indispensable qualities." 1835.

Mr. Spring Rice being shortly after the date of the above letter, succeeded in the Colonial office by the Earl of Aberdeen, Lord Aylmer in a despatch of 23rd January, 1835, to the latter, observes in reference to the instructions he had received from his predecessor:

"I cannot conceal from you that the instructions of Mr. Spring Rice, if it shall be decided to act upon them, will be productive of no small degree of embarrassment to me. If the appointments to office in this Colony are to be placed upon a footing different from that which has hitherto been the practice, and that too in a way evidently to exhibit a diminished confidence in the discretion of the Governor in his selections for office, his situation must be greatly lowered in the eyes of the public. That, however, is a point upon which the Secretary of State must decide; it is for him to consider upon what footing it is most advantageous to the King's service that His Majesty's Representative in the Province should be placed; but I am apprehensive that the effect of any such appearance of diminished confidence in the discretion of the Governor as I have described, will be felt in a way that possibly was not contemplated when the instructions of Mr. Spring Rice were drawn up. I mean to say that it will create apprehensions in the minds of those who aspire to public situations in the Province, that the interest made at the Colonial Office by persons of influence in the Mother Country, will be suffered to have greater weight than has hitherto been allowed in the disposal of those situations, and which will operate to their disadvantage.

Chap. "The members of the legal profession in particular, who possess considerable weight in this Province, will be found, I think, extremely sensitive on this point.
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 1835.

"I apprehend that it would be difficult to find one out of any 'six or more gentlemen,' of sufficient eminence in their profession to entitle them to that distinction, who would be willing to accept at the hands of the Governor, under these circumstances, the provisional appointment of Judge; he would consider that at least he would have five chances to one against his ultimate success, and should he after all be rejected, he would have to endure the mortification of descending from the Bench to make way for a more fortunate and perhaps a junior candidate. And here let me remark that the notoriety of this mode of recommending and appointing to office is inevitable; it cannot be kept secret; for the Governor would hardly take upon himself to submit to the Secretary of State the names of any number of gentlemen, without having first ascertained from each respectively, whether the situation to be filled up would be acceptable to him."

Mr. Spring Rice, in the despatch above referred to, also observes, "at all times, but particularly at a moment like the present, it is of the highest importance that no person who can be considered as strong political partisan, should be placed on the Bench in Lower Canada"—and he observes further on, "when I advert to the line adopted by Mr. Gale before the Committee of 1828, and his connection with the measures of those times, I very much fear that he will be looked upon with distrust by a very considerable portion of the community in Lower Canada." In the opinion expressed in the first part of the foregoing quotation, "I do," observes Lord Aylmer in answer, "most heartily concur. It is most desirable,

that no person, who can be considered as strong political partisans, should be placed on the Bench; and I think a better acquaintance, with the character of Mr. Gale would have shown, that in selecting him for a seat on the Bench, the principle in question has not been lost sight of by me."

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1835.

"I know not what ground of objection may have been furnished by Mr. Gale, when in England, and under examination before the Committee of 1828; but having since the receipt of Mr. Spring Rice's despatch, read Mr. Gale's evidence before that Committee, I must confess that I cannot find in it any thing that I should consider as a bar to his advancement in the line of his profession as a Lawyer. It is very true that Mr. Gale, in the course of his evidence, takes a view of the affairs of this Colony widely different from those of a certain party in the Province, but in which he is by no means singular for that (whether it be the true one or not is immaterial to the argument,) is also that of a very respectable portion of the inhabitants of the Province; but the fact is, that since that period, that is, since the year 1828, Mr. Gale, (as far as I can learn) has taken no prominent part in the political discussions of the Province.

"For the rest, Mr. Gale is a gentleman of independent fortune and unblemished reputation, and highly respected in his public and private capacity by the Judges, and members of the legal profession in the Province; his claims to respect cannot be and are not denied him in any quarter, and I believe even, that very many of those who in the first instance were averse to his appointment, have ceased to complain of it. It is an appointment which I will confidently assert is very generally approved of, and am convinced that his removal from it would have an unfavorable effect in the Province."

Chap. In a despatch from Lord Aberdeen of the 2nd
 xxxvi. April, 1835, to Lord Aylmer, His Excellency is in-
 1835. formed that "Mr. Kerr having been removed from
 his judicial office, it becomes needless to enter upon
 an investigation of the particular charges brought
 against him by the Assembly."

"In consequence of the vacancy thus occasioned, it will devolve upon your Lordship to select, from among the members of the Bar of Lower Canada, the individual whom your Lordship may consider most fit to be appointed to a seat upon the Bench. In making this selection, I need scarcely recall to your Lordship's attention the claims to preferment which are possessed by the gentlemen of the Bar of French extraction; and I have therefore to request that, on this occasion, your Lordship would be pleased to select from among them such person, whose appointment in your judgment may best deserve the confirmation of His Majesty's Government. The desire which, I am confident your Lordship feels, to meet in every way the reasonable expectations of the inhabitants of the Province, would, I am sure, render superfluous any remarks which I might offer as to the considerations by which your selection should be determined; and I shall, therefore, await your report of the gentleman upon whom your choice shall fall, in the persuasion that the nomination will be exercised for the general advantage of the Province, and with an impartial discrimination of individual claims."

From some causes not explained, Lord Aylmer did not fill the situation in the Court of King's Bench, which had become vacant by the removal of Mr. Justice Kerr, and the vacancy still remained on the advent of Lord Gosford, who was scarcely seated in his new station when the necessity of immediately filling the office, was strongly urged upon him, probably by suggestion of expectants of the appointment.

This, however, he did not think fit to comply with, until the Session was considerably advanced, when after receiving an address from the Assembly, desiring that the vacancy should be filled, he finally selected Mr. Elzear Bedard, who had moved the 92 Resolutions, and whom he now promoted to the Bench as successor to Mr. Kerr. The appointment of this gentleman was exceedingly unpopular with the British public, and all who were opposed to the 92 Resolutions, nor indeed was it generally popular with his own party, many of them deeming others of it better entitled, as well by seniority as by professional experience, to the post conferred upon him.*

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1836.

The speech of the Lieutenant Governor of Upper Canada (Sir John Colborne) in opening the Parliament of that Province (14th January, 1836) had, in alluding to the affairs of Lower Canada, given offence to its leading politicians. The following is the passage at which offence was taken. "The peculiar position of Lower Canada, and the similar constitution under which the institutions of both colonies are secured, do not allow the dissensions in that Province to be regarded by you with indifference, nor indeed without deep regret, anxiety and apprehension; the injurious effects of these influences have already been experienced; they have tended apparently to discourage emigration, and the transfer of capital to this country; and have acted disadvantageously in respect to the terms on which the large loan authorised by the Legislature was recently negotiated in England. But whatever measures may be adopted in consequence of the in-

*Mr. Bedard was a son of the late Mr. Pierre Bedard, who in 1810 incurred the displeasure of Sir James H. Craig, and afterwards was appointed to the Bench at Three Rivers. He was carried off by cholera at Montreal, in 1849. Mr. Bedard, though he did not rise to eminence, acquitted himself with integrity on the Bench, and was much esteemed for his many social and domestic qualities by all who enjoyed his acquaintance.

Chap. quiry of the commissioners, or whatever alteration
 xxxvi. may be proposed to remedy the evils to which I have
 1836. adverted, you may rest assured that the Constitution
 of these Provinces will be upheld."

It was therefore resolved on the 27th January, by the Assembly of Lower Canada (on motion of Dr. O'Callaghan)" that this House will, on Thursday the 11th of February next, resolve itself into a committee of the whole to take into consideration certain passages touching the state of this Province, in the speech delivered by Sir John Colborne, Lieutenant-Governor of Upper Canada, at the opening of the Parliament of that Province, on Thursday, the 14th of January instant."* A call of the House also on that day had previously been appointed, and it moreover was determined to take at the same time into consideration the state of the Province. On the advent of the 11th February, the call was postponed to the next day, and the other orders, were put of to the 14th inst. On the 13th, however, a circumstance occurred which decidedly put an end to all prospect of a favorable termination of the Session.

Sir John Colborne shortly after the opening of the Legislative session in Upper Canada, had been superseded in the government of that Province by the appointment of Sir Francis Bond Head, who, on assuming the administration, and to inform the Assembly of the steps which the Home Government were pursuing, for an adjustment of the financial and other difficulties in Lower Canada by the Commissioners

*"Messrs Amiot, Bardy, Barnard, Bertrand, Besserer, Blanchard, Blanchet, Bouc, Bouffard, Careau, Caron, Cazeau, Child, Courteau, Deligny, De Tonnancour, De Witt, Dubord, Fortin, Fraser, Girouard, Huot, Jobin, Kimber, Knight, Larue, Leslie, Letourneau, Marquis, Meilleur, Methot, Morin, Mousseau, O'Callaghan, Proulx, Taché, Antoine Charles Taschereau, Joseph Andre Taschereau, Thibeaudeau, Trudel, Vanfelson, and Viger. Yeas, 42.

"Messieurs Baker, Blackburn, Clapham, Grannis, Gogy, Moore, and Power. Nays, 7."

sent out for the purpose, had sent down to that House a copy of the Minister's instructions to those gentlemen as furnished by him, to Sir F. B. Head for his own information and guidance. The Speaker, (Mr. Bidwell) of the House of Assembly in Upper Canada, perceiving certain discrepancies between those instructions and Lord Gosford's speech at the opening of the session, forwarded extracts from them to Mr Speaker Papineau for the information of the body over which he presided, and who immediately laid them before the House. From this moment it became certain that Lord Gosford's mission was a failure.

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1836.

His Excellency in consequence of this communication sent down a message on the 15th, stating that "having observed from the proceedings of the House of Assembly, that they have entered on their Journals, certain extracts from the Instructions to the King's Commissioners in Lower Canada, in the shape in which they were recently laid before the Legislature of the Upper Province, thinks it right that the Assembly should be furnished with the same in a more accurate and complete form, and therefore transmits herewith copies of all those parts of the Instructions which have reference to the topics embraced in the extracts received by the House from Upper Canada.

"The Governor in Chief has only to add, that he has already conveyed in his speech at the opening of the session, the sense in which these instructions are understood by those who execute them, and that to the construction then put on them, and to every declaration made by him on first meeting the Legislature of this Province, he continues steadfastly to adhere."

This, however, did not re-establish the confidence which the revelation of His Excellency's instructions in the manner mentioned had shaken.

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Chap. The Assembly passed (yeas 47, nays 6,) the follow-
 xxxvi. ing resolutions in reference to Sir John Colborne's
 1836. speech :—

“ Resolved, That it is the opinion of this Committee, that this House, in its exertions to procure a redress of the various grievances under which the people of this Province labour, and to introduce a good and responsible system of local government, have, in addition to the other weighty and substantial reasons by which it has been guided, been greatly encouraged by the hope and expectation that any amelioration in the political institutions of the colony would be followed, of right, by similar advantages to our brethren inhabiting the sister Provinces of British North America.

“ Resolved, That it is the opinion of this committee, that the political reforms which this House and the good people of this Province have been for a great many years endeavouring to obtain, have at various epochs been explained by the votes, resolutions and addresses of this House, and by the petitions of the people themselves. That the principal object of those reforms is :—To render the Executive Council of this Province directly responsible to the representatives of the people, in conformity with the principles and practice of the British Constitution as they obtain in the United Kingdom ; to extend the principle of election to the Legislative Council, which branch of the Provincial Legislature has hitherto proved, by reason of its independence of the people, and of its imperfect and vicious constitution insufficient to perform the functions for which it was originally designed ; to place under the constitutional and salutary control of this House the whole of the revenues levied in this Province from whatever source arising ; to abolish pluralities, or the cumulation in one person of several or incompatible offices ; to procure the repeal of certain statutes passed by the Imperial Par-

liament, in which the people of this Province are not represented, and cannot be represented, which acts are an infringement of the rights and privileges of the Legislature of this colony, and are injurious to the interests of the people thereof; to obtain over the internal affairs of this Province, and over the management and settlement of the wild lands thereof (for the advantage and benefit of all classes of His Majesty's subjects therein without distinction), that wholesome and necessary control which springs from the principles of the Constitution itself, and of right belongs to the Legislature, and more particularly to this House as the representatives of the people; which reforms are specially calculated to promote the happiness of His Majesty's subjects in this Province; to draw more close the ties which attach the colony to the British empire, and can in no way prejudice or injure the interests of any of the sister Provinces.

"Resolved, That it is the opinion of this Committee, that it has long been the aim of the enemies of these colonies, by deliberate and unfounded misrepresentations to engender dissensions and bad feelings between the people thereof, in the hope of preventing all union of purpose among the said people, and of thereby preventing the reform of those many abuses and evils of which the people have so frequently complained, and which are connived at or upheld for the advantage of a minority hitherto unjustly possessing, and still endeavouring to maintain, a political ascendancy in this Province, contrary to the principles of all good government.

"Resolved, That it is the opinion of this Committee, that this House has seen with extreme concern, a speech delivered at the opening of the present session of the Legislature of Upper Canada, by His Excellency Sir John Colborne, late Lieutenant Governor of that Province, at a moment when his sudden recall reflected particularly on the merits of his ad-

Chap. ministration, in which it is stated that the affairs of
 xxxvi. this Province had exercised an injurious influence on
 1836. the interests of Upper Canada—had tended apparently to discourage emigration and the transfer of capital to that country, and had acted disadvantageously in respect to the terms on which the large loan authorized by the legislature of that province was recently negotiated in England; that such a statement is calculated to misrepresent the views of this House—to prejudice the people of these Provinces against each other—to disturb that good understanding which ought to prevail, and which has hitherto prevailed between the said people; and in place thereof to sow discord and animosity among the several classes of His Majesty's subjects in these Provinces.

“ Resolved, That it is the opinion of this Committee, that strong in the rectitude of their intentions and principles, and moved alone by a desire to introduce order and responsibility into their political institutions, in the place of the disorder and abuses which now unhappily prevail, this House and the people whom it represents, indignantly repudiate all design to injure the interests or embarrass the exertions of the people of Upper Canada, in whose welfare the people of this Province feel a lively interest, and for whose patriotic exertions to improve their political and social conditions, this House entertains a sincere respect, and this House is gratified to perceive that the representatives of the sister province have done this house the justice to acquit it of being the cause of any dissensions or embarrassments existing in the country; and this House firmly repeats that those dissensions and embarrassments proceed from the defective constitution of the Legislative Council of these colonies, and from the continued unconstitutional exercise by the same persons of executive, legislative and judicial functions, from

which causes have resulted the abuses of which the people have so long and so justly complained. Chap. XXXVI.
1836.

“Resolved, That the Speaker of this House be authorized to transmit copies of the foregoing resolutions to the Speakers of the several Assemblies of Upper Canada, and of the other sister Provinces, and to express the desire of this house cordially to co-operate with the said Assemblies in all constitutional measures calculated to promote the mutual interests of these colonies.”

Mr. Speaker Papineau addressed on the occasion the following letter to Mr. Speaker Bidwell:—

“SIR,—In the exposition of the extent and nature of the reforms demanded by the people of this Province, and in the resolutions of their representatives, which I transmit to you by order of the House of Assembly, we hope a proof will be found of the earnestness with which we are endeavouring to secure the establishment and recognition of the political rights of our colonial fellow-subjects as well as of our own.

“To whatever extent the blessings of a just, cheap, and responsible system of government are obtained by us, to that extent and amount will the people of the British North American colonies participate in the same blessings.

“They cannot but readily understand how various and how grinding are the abuses which distract this Province, when they are told that for many long and painful years the people have directly by petitions, or through their representatives, in terms of no common emphasis, and by majorities so overwhelming, that one might say, without impropriety, unanimously impugned the administration of affairs in every department of the public service. They have demanded the adoption of measures alone adequate to the cure of the various abuses which have sprung from imperfect institutions, acknowledged by a Com-

Chap. xxxvi.
 1836. mittee of the House of Commons, so far back as 1828, to have been viciously administered. So late as the year 1835 it was admitted, both in the House of Commons and in the House of Lords, on the ministerial as well as on the opposition benches, by men the most opposite in their opinions on every question of domestic or European policy, with a concert that could arise from no other cause than the clearest evidence of the fact, that nothing efficient had yet been done in Canada to remedy acknowledged abuses—abuses denounced by this House, denounced by His Majesty's government, repeatedly denounced by Committees of the House of Commons, which enjoined responsible ministers to see that they should cease.

“These ministers we impeach as being unwilling to effect the good work of peace and conciliation when charged so to do. We impeach them for their instructions of the 17th July, 1835, devised with a view to impose a government upon us which will be more irresponsible than it has ever been in time past; more prodigal of our lands and taxes, which constitute the common fund; more oppressive by the number of its agents and their excessive emoluments, out of all just proportion to the value of the services rendered; and more servile on account of its most direct dependence on Downing-street, where they never understand—where they are unwilling to understand, that the state of society all over continental America requires that the forms of its government should approximate nearer to that selected under propitious circumstances, and after mature consideration by the wise statesmen of the neighboring Union, than to those into which chance and past ages have moulded European societies.

“We crave your attention to the contradiction manifested in these instructions of the colonial Minister above alluded to. They first acknowledge a few protecting axioms of public colonial law, the

salutary operations of which they practically obstruct, Chap. and then fritter them down into insignificance by ^{xxxvi.} niceties and hypothetical extreme cases, which the minister creates to justify the exceptions he chooses to make to their application. 1836.

"Thus the Minister of the day admits that parliamentary legislation on the part of Great Britain, on any exclusively internal subject in any British colony possessing a representative assembly, is, a general rule, unconstitutional; yet by the Canada trade acts, tenures acts, smuggled American land company acts, this general rule has been repeatedly grossly violated. By the first of these acts, temporary taxes imposed during the late war, for the duration of that war and no longer, as a means of aiding Great Britain to preserve a resting place on this continent, have been ungratefully and oppressively revived, and made permanent by the Imperial Parliament. It is true that the government of Upper Canada induced a bribed or unwary parliament to petition for the revival and continuance of those taxes; but a treacherous Governor of this Province withheld from this Assembly the information of this fact transmitted to him to be communicated to the representatives of the people of this colony. For years the Assemblies of both the Canadas have been endeavouring to settle this important question; but the useful bills to provide for the appointments of commissioners have until now been rejected by the Legislative Councils of the one or the other of these Provinces in turn.

"By the other imperial acts, property affected in its incidents and conditions of possession and transmission has been rendered insecure. An odious monopoly, which retards the settlement of the country, has been created; the administration of justice has been impeded by an attempt to introduce a second system of laws, in a country where courts are constituted, and judges commissioned and sworn to administer a different system of laws.

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“Of this unconstitutional parliamentary legislation on the part of Great Britain, on subjects of an exclusively internal nature, in a British colony possessing a representative assembly, this House has repeatedly, but hitherto ineffectually, complained.

“Were we to resign ourselves to a degrading system of servitude, do you hope, do you believe, that the ministerial policy which would degrade us, would consent to concede to you an ennobling system of freedom to that extent you deserve, and which the rapid and easy expansion of the moral, intellectual and industrial capacities of the robust, and rapidly accumulating population in the several Provinces, would soon reveal? How vast is their combined strength and resources, when no sinister and baneful influence is busy sowing dissensions, or exciting by misrepresentations, hurtful prejudices amongst those who have so many great and common interests. If misrule went on unchecked in any of these neighbouring colonies without exciting our sympathy, your ills would soon become our ills, and ours would reach you in turn. If, however, you are free from improper and unconstitutional parliamentary legislation, we rejoice that such is your happier lot. If you have to complain of evils similar to ours, or of any other evils, all constitutional means in the power of the people of this Province would readily be resorted to, to aid you in their removal. Such good offices it is the duty of every colony to tender and to accept in return.

“The present colonial Minister, who is forced to acknowledge the correct axiom, that British colonies possessing a representative Assembly, are of right freed from the legislation of the Imperial Parliament, is so attached to the privileges enjoyed by his predecessors in office, of misgoverning these distant possessions, that he hesitates not to lay bare (in his instructions to Sir Francis Head) in all its naked

deformity, the colonial system as it is understood and expounded in Downing Street. The inferences which are manifestly to be deduced from these encroaching instructions, are, that in the most minute details, everything thought of an exclusively internal nature in British colonies having representative assemblies, must be carefully kept under the patronage, direction and official legislation of the Colonial Office. The remonstrances of near a million of people in the Canadas, constitutionally expressed by their representatives, disturb too much the set doctrines and practices traditionally transmitted from Tories to Whigs, from Lord North to Lord Glenelg, to expect the concession of any remedial measure which the sufferers claim.

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XXXV.

1836

“The people of the Canadas, labouring under the accumulating wrongs proceeding from an act of parliament, unite as one man, in demanding that that act be amended in such of its provisions as relate to their Legislative Councils, which they denounce as the cause and mainspring of all the heartburnings, distractions and sufferings in these Provinces. The colonial Minister, four thousand miles distant from the scene of our sufferings, and naturally unable, from the multiplicity of his avocations, to become acquainted with the extent of our wrongs, arrogantly tells the Assemblies that have declared that all remedial measures short of rendering the seats in the Legislative Councils dependant on popular election will be futile and unsatisfactory—that ‘the King is most unwilling to admit as open to debate, the question, whether one of the vital principles of the Provincial Government shall undergo alteration.’ These deceitful agents, the Royal Commissioners, to whom these instructions were addressed, told this Assembly, on the other hand, that they are not precluded from entering on an enquiry on this grave subject. Instead of freely communicating those in-

Chap. instructions to the Legislature of this Province, on its
 xxxvi. being convened, on whose determinations they would
 1836. not but have had great influence, the Royal Commissioners carefully withheld these instructions; and it was not until after nearly four months session, that the representatives of this Province by chance learned the suppressed truths from the newspapers of the day, and thus for months have been unfairly deprived of all means of protesting and remonstrating at an early season, against the tyrannical tendencies of these Downing Street despatches; against the gross errors of fact which they contain; against the untenable assumption that the Councils created by the act 1791, have any analogies either with the aristocratical institutions of Great Britain and Ireland, or with the councils of other British colonies; and against the heinousness of the conduct of this pretended liberal minister, who casts off and derides the prophetic warnings of Charles James Fox, of the miseries that Mr. Pitt's psuedo-aristocratical councils were to entail on these colonies; and were it not that this base dissembling had thus lulled us into false security, our complaints would, ere now, have been before the Imperial Parliament.

“The act of 1791 was part and parcel of the now repudiated policy of Mr. Pitt, to build up an aristocracy in this hemisphere, and to strengthen its power. The population of these northern colonies has quintupled since the passing of that act. The soil of America repudiates a privileged aristocracy, yet the sages who have our destinies entrusted to their care, tell us that ‘they will not close the avenue to an enquiry respecting which for the present they perceive no reasonable ground of doubt;’ but they may possibly take into their consideration, at some future time, the best means to discard the views of a million of people who ask for elective councils, who desire to see nothing rationally to envy in the institutions of

their neighbours, and who have a right to claim, if they see fit, and who would beneficially enjoy, as much of political freedom as was the lot of the most favored of the British subjects within the limits of colonies founded by charters of incorporation. Chap. xxxvi. 1836.

“ These sages tell us, moreover, that if, contrary to their forebodings, they are driven by our importunities to propose amendments to the statute of 31st Geo. III. chap. 31, it would not be in accordance with the views and wishes of the living generations oppressed by its enactments, but in accordance with the views of its bribed and pensioned and endless array of sinecurist framers. To menaces such as these, we can only reply, that we value too highly a representative form of government to sanction any attempt to infringe our constitutional rights, and that such violent attacks on those rights could not but excite feelings ruinous to the interests of the parent state on this continent.

“ For a long number of years the government of this Province and its officers have been in continued minorities in the House of Assembly. Their blind obstinacy to the same oppressive and illiberal policy, brought at last the administration into such thorough contempt, and so disgusted the mass of the people and their Representatives, that these on the 21st February, 1834,—Resolved, ‘ That the public functionaries of the colony are combined as a faction, and induced by interest alone to contend for the support of a corrupt government, inimical to the rights and opposed to the wishes of the people,’ and had recourse further to the extreme though constitutional remedy of withholding the supplies until the numerous grievances detailed in the 92 resolutions, then adopted, should be redressed, and the remedies demanded to prevent their recurrence be granted.

“ The then Governor in Chief, in an angry and unparliamentary speech, with which he closed the

Chap. session of 1834, endeavoured, but in vain, to throw
 xxxvi. a censure and create odium on these deliberate
 1836. opinions of the House of Assembly of this Province,
 asserting groundlessly that the sentiments of the
 constituency did not respond to the solemn declara-
 tions of their representatives, and that the people
 were attached to the government as it was consti-
 tuted and administered. General elections soon fol-
 lowed, and the result was, that not a single candidate
 connected by office to the Provincial government
 could secure a seat, whilst those who were returned
 have repeatedly declared their adherence to the prin-
 ciples avowed in those resolutions in a proportion of
 eighty out of eighty-eight members, the full number
 of the representatives.

“ Instead of grappling with evils of such a magni-
 tude and old standing as those against which we
 complain, Lord Glenelg has thrown together raw and
 undigested ideas, as to the means of checking some
 of the minor abuses. Policy such as this might be
 considered a disingenuous effort to uphold by mild
 palliations the system which generates these and
 greater abuses. But, on the other hand, open and
 violent attacks are directed in those menacing in-
 structions against the most necessary and just rules
 by which freeborn British colonists have striven to
 protect themselves against improper interference on
 the part of meddling colonial ministers. With this
 view importunate solicitations are renewed, to obtain
 appropriations for ten years, under the plea that
 Lower Canada would thus be more connected with
 the other members of the British empire.

“ We, on the contrary, consider that were we to
 succumb in this assault against the policy that gen-
 erally prevails in the colonies, which was wisely
 adopted to protect colonists against the natural and
 habitual partiality of Downing Street, in favour of its
 nominees, the calamitous concession would separate

us from and exhibit us in a most unenviable comparison with most of the sister colonies. That the precedent which we would establish, would expose many colonies hitherto in a great measure free from the evil working system to be assailed by the same demands, sophistries or menaces to which we have been unfairly exposed for the last fifteen years, during the protracted controversies and discussions on the financial question arising out of the pretensions of the colonial ministers.

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"The attempt to create classes and distinctions among public officers (some of whom would be absolutely uncontrolled into whatever excesses they might run for their salaries, and others submitted to annual discussions,) is so shallow and preposterous a scheme to consolidate the present vicious system, that it scarcely requires refutation.

"Lord Glenelg seems not to understand that however great is the rank, station and importance of a colonial minister, and of all other ministers of His Majesty, his crown officers and legal advisers, they hold their large emoluments of office by a more precarious tenure than colonial officers subject to the annual votes of the assemblies. In order that responsibility should attach to the acts of the highest officers of state, the British constitution, in principle and practice, has wisely entrusted to the representative branch of the legislature the power of the purse, to use it as they think right and proper. The Commons have established their right to interfere as well in matters of state as legislation, by reserving to themselves sufficient large annual appropriations, to enforce on the most unwilling government obedience to its recommendations. They moreover have secured the responsibility of the highest functionaries by the establishment of a proper tribunal to bring to the most condign punishment, yea, even to the forfeiture of life, any of those who in the discharge

Chap. of their official duties had become the oppressors
xxxvi. of the people.

1836.

“Although the civil list be granted for the life of the King, all the officers connected, with the exception of a few of the officers of the household, attached to the royal person, are to use the improper expressions of Lord Glenelg, daily beggars, not on the King’s good will, but on the Commons, whose wishes call them to office, or turn them out of office, in some cases after a few days, in others after years of service, but in every instance on a lease revocable at will. In giving despatches for the direction of a government to Upper Canada, when a permanent appropriation was procured by misrepresentation and surprise, and when the utmost discontent and indignation have existed as well against the government, and that Assembly which had surrendered its powers and just influence, and thus betrayed the rights of its constituents, how can Lord Glenelg pretend that an appropriation for a long period would produce contentment in Lower Canada, where the demand has for fifteen years been invariably resisted?

“In many other respects might these instructions be commented on to prove a deep laid plot and wicked determination among those who penned them, not to consent to any rational reforms in the colonies, in opposition to the blind prejudices and routine business of Downing Street. But this hurried commentary in the midst of the fatigues attendant on a lengthened session, will, I hope, suffice.

“Elected and solemnly pledged to procure a redress of the grievances under which the people of this Province suffer, and to carry out the principles laid down in the resolutions transmitted herewith, the practical operations of which can alone prevent a recurrence of these evils, we have been assailed and denounced by the enemies of a responsible form of government. Those interested in the continuance

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of the present system of misrule have been actively engaged in misrepresenting our views in the hope of sowing division and animosity among the people of these colonies, and by those means crushing therein the cause of reform.

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"In defence of principles which are dear to the mass of the inhabitants of British North America, we hesitate not to publish them to the world, satisfied that our views need only to be known to be respected.

"In the position which this Province has long taken in defence of colonial rights, she has acted from no factious opposition, nor from any local prejudices; all she requires is direct responsibility to her people in the several departments of the state, and economy in her government. Should she succeed in obtaining these, there cannot be a doubt but the people of the other British Provinces must obtain the same extent of political power and liberty.

"In the hope, sir, that the Assembly of which you are the organ will co-operate with the representatives of this Province in procuring a better colonial system of government for all, I beg to assure you of the readiness with which the Assembly of Lower Canada will use all constitutional means in its power to advance the mutual interests of the British North American Colonies.

"I have the honor to be,

"Your obedient and humble servant,

"L. J. PAPINEAU, Speaker,

"House of Assembly,

"Quebec, 15th March, 1836.

"To M. S. BIDWELL, Speaker of the

"House of Assembly of Upper Canada."

Sir Francis Bond Head, in reply to an address presented him on the 28th May, 1836, from people of the Home District, praying him to dissolve the House of Assembly of that Province, observes:—

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"GENTLEMEN,—The addresses I have received, requesting me to dissolve the present House of Assembly, are so numerous, the signatures are so respectable, and the firm, manly language conveyed to me from all parts of the Province, is so strongly corroborative of a feeling of general disapprobation of the harsh measure that has been resorted to, by stopping the supplies, that I shall no longer hesitate to exercise my prerogative, by dissolving the Assembly.

"With respect to a certain letter, which you state was 'laid on the table of the House of Assembly a few hours before the prorogation of the Legislature, 'purporting to come from the Speaker of the House of Assembly of Lower Canada, and addressed to the 'Speaker of the House of Assembly here,' I have long refrained from noticing that document, although it has repeatedly been indignantly referred to in the addresses from this Province, because, as the resolution of the House of Assembly of Lower Canada, dated 15th February, merely authorised their Speaker to 'transmit copies of the foregoing resolutions to the 'Speakers of the several Assemblies of Upper Canada, and of the sister Provinces, and to express the 'desire of this House cordially to co-operate with the 'said Assemblies in all constitutional measures calculated to promote the mutual interests of these colonies,' it was evident to me that as Mr. Speaker Papineau's duty was thus clearly prescribed to him, he was not authorised to tack to his official communication his own private sentiments, nor was he in any way justified in proclaiming them in the first person plural, as follows:—

" 'These ministers *we* impeach.' Were *we* to resign *ourselves* to a degrading system 'of servitude.' 'If misrule went on unchecked in any of those neighbouring colonies without exciting *our* sympathy, '*your* ills would soon become *our* ills, and *ours* would

‘soon reach *you* in return.’ ‘If *you* have to complain Chap.
 ‘of evils similar to *ours*, or of any other evils, all xxxvi.
 ‘constitutional means in the power of the people of 1835.
 ‘this Province, would readily be resorted to, to aid
 ‘*you* in their removal. Such good offices it is the
 ‘duty of every colony to render and to accept in
 ‘turn.’

“It must be evident to every liberal-minded man, that the House of Assembly of Lower Canada did not authorise Mr. Papineau, in their name, to express to the House of Assembly of Upper Canada the foregoing sentiments, nor to designate His Majesty’s government as the ‘naked deformity of the colonial system;’ nor to term the Royal Commissioners ‘these deceitful agents;’ nor to declare ‘that the state of society all over Continental America requires that the forms of its government should approximate nearer to that selected UNDER PROPITIOUS CIRCUMSTANCES, and after mature consideration *by the wise Statesmen in the neighbouring Union*, than to those into which chance and past ages have moulded European societies.’

“What is the real character of Mr. Speaker Papineau’s language?—what is its latent meaning?—what epithet will the civilized world give to it?—whether the House of Assembly of Lower Canada will approve or condemn their Legislative name being thus taken in vain, are opinions which were so unequivocally expressed in the House of Assembly in this Province when the document in question was first breathed upon them, that I have no observation whatever to make on the subject. But as Mr. Speaker Papineau has thought proper to promulgate in this Province that ‘the people of the Canadas, laboring under the accumulative wrongs proceeding from an Act of Parliament, *unite as a man*.’ I feel it necessary publicly to repudiate that assertion, by declaring what the state of opinion in Upper Canada really is.

Chap. "The people of Upper Canada detest democracy;
xxxvi. they revere their Constitutional Charter, and are
1836. consequently staunch in allegiance to their King.

"They are perfectly aware that there exists in the Lower Province one or two individuals who inculcate the idea, that this Province is about to be disturbed by the interference of foreigners, whose power and whose numbers will prove invincible.

"In the name of every Regiment of Militia in Upper Canada. I publicly promulgate—*Let them come, if they dare!*"

Mr. Papineau's letter was treated with great contempt by the Assembly of Upper Canada, and expunged from its journal. The following is from a Report of the Committee to whom it had been referred:

"Geographically situated as Upper Canada is, and governed under the same constitution with the sister province, whatever change occurs in their form of government, or whatever remedies the Imperial Parliament may adopt for the cure of the evils now prevailing there, must, in some degree, and perhaps to an extent not now contemplated, affect us likewise. When a Member of the British House of Commons, the salaried Agent of Lower Canada declared in his place, (as Mr. Roebuck is reported to have declared) that in the neighbourhood of Lower Canada 'there were 13,000,000 of Republicans, 'who, as soon as the flag of Rebellion should be unfurled, would rally round it, and trample in the 'dust the whole establishment,' your Committee think it right for your Honorable House promptly to declare, that, in their opinion, the few traitors in either province who would desire to hoist the standard of revolt, are so sensible of their own weakness, that there is no fear of such an effort being made; and that should they be rash enough to attempt it in the expectation of foreign support, they would look in vain for aid from the United States, whose govern-

ment has been actuated by feelings of the most friendly and pacific character towards the British Empire, and whose high sense of national honor would always prevent their lending their aid to a traiterous conspiracy. Whatever course may be taken with regard to the affairs of the Lower Province, your Committee cannot let slip the opportunity of expressing their anxious hope, that no consideration will induce a departure from the principles contained in the Charter of 1791, and that in any remedial measures which may be adopted, the preservation of our rights as British subjects, and of our intimate connexion with the Mother Country, as a Colony, will never be lost sight of or endangered by weak and temporising concessions.

“Your Committee, after the examination of these resolutions, have arrived at the conclusion, that to pursue the course which has been followed in the Lower Province, and to espouse the principles avowed and insisted on by the House of Assembly there, would be contrary to the wishes as well as the interest of Upper Canada; would shake our system of government to its centre, and would rapidly and inevitably tend to establish a Republican form of Government among us. Impressed with this conviction, your Committee feel it their duty to submit to your Honorable House the propriety of presenting an humble address to His Majesty, solemnly disavowing the sentiments contained in these resolutions, and earnestly deprecating any departure from the principles of our Constitution, or the adoption of any course of policy calculated to weaken the ties which attach this Colony to the British Empire.

“After this review of the resolutions, to which your Committee have felt it their duty to devote their best attention, there remains little for them to do, but to advert to the letter of Mr. Speaker Papineau.

“By the last resolution, he was authorised to

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Chap. transmit copies thereof to the several Assemblies of
 xxxvi. Upper Canada, and of the other Sister Provinces,
 [1836. 'and to express the desire of this House cordially to
 'co-operate with the said Assemblies in all consti-
 'tutional measures calculated to promote the
 'mutual interests of these Colonies.'

"It is under authority of this latter clause that Mr. Papineau has assumed to write this letter, which, in addition to a lengthened commentary on the resolutions, contain some expressions to which your Committee beg to draw the attention of your Honorable House. In reference to one of the Imperial Statutes, imposing certain duties, Mr. Papineau remarks—'It is true that the Government of Upper Canada induced a *bribed* or unwary Parliament to petition for the revival and continuation of those taxes.' Your Committee find nothing in the resolutions giving authority to Mr. Papineau to use language insulting to the Government of this Colony, or to a former House of Assembly : nor do they believe that the House of Assembly of Lower Canada ever designed such an unwarrantable or indecent course should be followed. For this violation of decorum, and of the courtesy due from one Legislature to another, Mr. Papineau stands solely responsible ; but your Committee think it beneath the dignity of your Honorable House to take further notice of so base and unfounded a calumny. The tenor of the whole letter is, in the opinion of your Committee, of a purely rebellious character ; and the sentiments of the writer will find nothing but execration from the inhabitants of the Province. It carries its antidote in itself, and is so utterly revolting to a loyal and well disposed mind, that while deserving every punishment, it requires no confutation, and would have been passed over by your Committee, in silent contempt, without even this brief notice, if it were not to be found on the Journals of your Honorable

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House. The late period of the last Session when it was laid on the table of the House—two months after the resolutions were adopted, and rather more than one month after the date of the letter—prevented the House of Assembly from taking the subject into consideration. This delay is unaccounted for, and is to be regretted ; for your Committee is satisfied that had there been time for consideration, the Journals of the Assembly would not have been disgraced by the letter of Mr. Speaker Papineau.

" All which is respectfully submitted.

" HENRY SHERWOOD, Chairman.

" Committee Rooms, House of Assembly,

" February 22, 1837. "

The Assembly, resolving itself into Committee of the Whole on the public accounts, and state of the Province, came to the following, among other, resolutions :—

" That it is the opinion of this Committee, That this House having resolved to address His Majesty and the Parliament of the United Kingdom for the purpose of representing to them the state of the Province, and more particularly the opinions of the representatives of the people on divers views and determinations of His Majesty's ministers which have lately become known to us, and to solicit the accomplishment of the reforms which have been asked for by this House and the people, and the removal of grievances and abuses, has determined to grant to His Majesty the supplies requisite for the interval between the 15th January last, and the 15th July next, regard being had to the circumstances attending each item asked for, and to the resources of the country.

" That it is the opinion of this Committee, that to ensure the effect of the votes of this House founded on the preceding resolution, this House will, under existing circumstances, abstain from specifying in

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Chap. the Bill the particular funds appropriated ; but this
 xxxvi. House declares in the most solemn manner that this
 1836. act on its part shall not be appealed to or invoked as
 a precedent in opposition to the resolutions of this
 House of the 16th March, 1833, and 21st February,
 1834, or against the constitutional rights of this
 House, and the liberties of the people of this Pro-
 vince."

The various items, or salaries for six months in
 accordance with these, being voted, a bill for the
 amount was passed and sent up to the Legislative
 Council, where it was immediately rejected as not
 being in conformity with the call of the Governor, as
 expressed in his speech at the opening of the session.
 The address voted to His Majesty, and those also to
 both Houses of Parliament, a sketch whereof only
 can be given here, was long and special, again stating
 the grievances under which the Assembly deemed the
 Province to labour.

It commenced by stating their "firm, though re-
 spectful, conviction of the necessity of the reforms
 they had so often prayed for in the Constitution of
 this Province, and a redress of the grievances and
 abuses that had prevailed therein. They prayed
 His Majesty to believe in their sincerity, assuring
 him of their desire as the representatives of a people
 who had even in times of difficulty shewn a strong
 attachment to the Empire over which he presided,
 not to forget the sentiments of respect they owed to
 His Majesty's sacred person, and which his royal at-
 tributes required. They thought therefore that they
 would be culpable to sanction by their silence any
 misconception with regard to the nature of the re-
 forms required, or to the constitutional and practical
 system of Government which they desired to see
 established in the Province, and which they believed
 to be equally in accordance with the true principles
 of the Constitution, the incontestable rights of the

inhabitants of the Province, their natural and social position, and with their wishes, interests and necessities.”

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They “solemnly repeated that the principal of the political reforms which the House and the people had for a great number of years used every effort to obtain, was to extend the elective principle to the Legislative Council. To render the Executive Council directly responsible to the representatives of the people, conformably to the principles and practice of the British Constitution,—to place under the wholesome and constitutional control of the House the whole public revenue from whatever source derived—to obtain the repeal of certain Acts of the Imperial Parliament, in which the people of the Province were not represented, with regard to the internal affairs of the Province, making its territory and best resources the subject of unfair speculation and monopoly—to ensure equal rights and impartial justice to all classes—to abolish sinecures, and the accumulation of incompatible offices—to redress the numerous abuses which prevailed in the various departments of the public service—and to obtain for the Provincial Legislature with regard to the internal affairs of the Province, and more especially over the management and settlement of the waste land thereof for the benefit of all classes of His Majesty’s subjects without distinction, that essential controul which would be the direct consequence of the principles of the Constitution.”

They thanked His Majesty for having recalled Lord Aylmer, and for the appointment as his successor, of “a distinguished personage who, independently of his qualifications as an individual, of which they had no motive for doubting, was from his previous habits and position, (meaning as a civilian probably) more likely to comprehend the wishes and the wants” of the country. They applauded

Chap. "the principles of order and justice" announced in
 xxxvi. his speech, and believed that the declarations put
 1836. forth in it, and "the extraordinary attributions (in
 allusion to the commission) which accompanied the
 usual powers" to the King's Representative, were
 guarantees that the subjects spoken of to them as
 matters for future deliberation and decision by His
 Majesty and (the Provincial) Parliament would be
 looked at, in the same comprehensive spirit, and
 that the researches and determinations adapted to
 throw light upon those weighty questions, would not
 be restrained by any formal refusal of the demands
 which were to form the matter of investigation, nor
 by any final determination to maintain at all events
 the pretensions raised from time to time on divers
 subjects of Colonial policy by His Majesty's respon-
 sible ministers, and which had called forth the re-
 monstrances of that House and of the people; mat-
 ters which His Majesty had been pleased to assure
 them were to be equally the subject of research and
 deliberation.

"We thought, that without bringing forward un-
 just and inapplicable theories of metropolitan domi-
 nation and colonial abasement, without recurring to
 a system proved false by memorable examples, re-
 gard would be had exclusively to the principles of
 the Constitution, the mutual interests of all parties,
 and the peace, welfare, rights, wishes and wants of
 these important portions of the British dominions.

"It could therefore only be with lively anxiety
 that we were brought to suppose, from the know-
 ledge which reached us, at first indirectly, and after-
 wards by the official channel, of certain extracts
 from a Despatch dated the 17th July, 1835, addressed
 by your Majesty's Principal Secretary of State for
 the Colonies, to the administrative authorities of
 Lower Canada, (unacquainted as we moreover are
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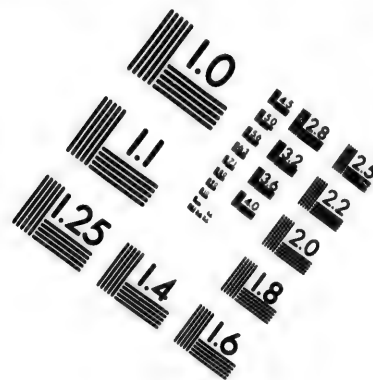
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ment,) and with any subsequent instructions, that in point of fact, the researches authorized by your Majesty, for the purpose of ascertaining the means of doing justice to your Canadian subjects, were on several of the most essential points limited by pre-conceived opinions and anticipated decisions in the manner hereinbefore set forth. We are bound on this head to declare, that in the face of obstacles like these, if your Majesty's Government should persist in maintaining them, and without your Royal Assent to the essential points we expect, no measures of minor importance can have the effect desired; that the delay occasioned by the investigations announced, will serve only to embolden the enemies of the people of this Province, and of your Majesty's Government in their hopes for dissention and violence, and that the best intentions, or even acts on the part of the head of the Provincial Executive, even in conjunction with the efforts of this House, and of the people, might be wrecked in contending against the deep rooted system of vice and abuse which has robbed your Majesty's Government of all efficiency and respect, and has endangered the liberties and safety of the inhabitants of Canada.

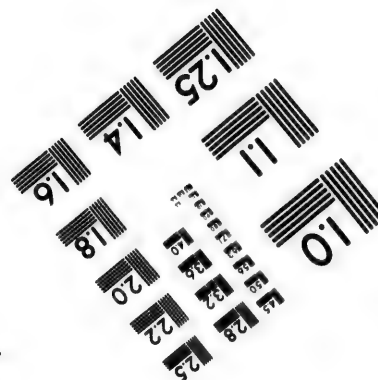
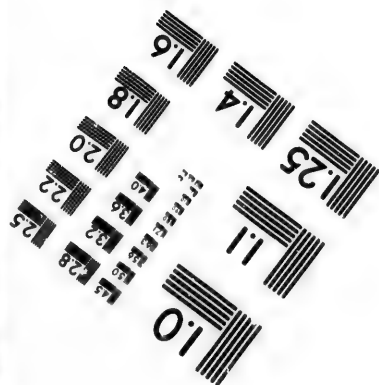
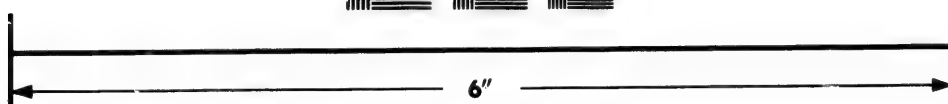
"At the head of the reforms which we persist in considering as essential, is the introduction of the principle of popular election into the constitution of the Legislative Council. The people of the country, without distinction, regard this body, as at present constituted, as factitiously opposed to its institutions, its state of society, its feelings and its wants, and as having been and as being necessarily the strong hold of oppression and abuses. They continue in like manner to believe that any partial reform which shall stop short of the introduction of the elective principle, will be altogether insufficient, and will, as leaving the inherent vice untouched, bring back the same evils and the same collisions. We think, that

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A resolution test chart featuring various patterns of vertical and horizontal lines. The patterns are arranged in a grid-like fashion, with some patterns being larger and more prominent than others. Numerical values are placed next to the patterns, indicating the resolution level. The values include 1.0, 1.1, 1.25, 1.4, 1.6, 1.8, 2.0, 2.2, 2.5, 2.8, 3.0, 3.2, 3.6, 4.0, and 4.5. The patterns consist of groups of lines, with some groups having a single line and others having multiple lines. The lines are black on a white background.



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Chap. with regard to the constantly baneful action of the
 xxxvi. Legislative Council, we have amply explained our-
 1838. selves to your Majesty, and that no other proof that
 the past and present acts of that body, is needed to
 remove all doubt as to the nature and spirit of the
 improvements to be introduced into it. We look,
 in this respect, upon the Act of 1791, giving Legis-
 lators for life to the Canadian Provinces, at the mere
 pleasure of the Executive authority, as an unfortu-
 nate experiment, followed by most unhappy conse-
 quences. We also look upon this experiment as
 entirely foreign to the British constitution. We
 regret that in the extracts from the Despatches we
 have mentioned, an attempt is made by begging the
 question to infer an analogy which does not exist,
 for the purpose of aggravating certain specious ob-
 jections against an elective Council. We would re-
 spectfully pray your Majesty to remark, that the
 influence which prevailed in the Councils of the
 Empire, at the period when the Act of 1791 was
 passed, was calculated to give an undue preponder-
 ance to the aristocratic principle, while in America,
 the independent state and the progress of society,
 repelled any doctrine of this nature, and demanded
 the extension of the contrary principle. We must
 also express our regret, that while your Majesty's
 representative in this Province has solicited the co-
 operation of the two Houses of the Provincial Legis-
 lature to labor at the reform of abuses, and while
 this House is fully disposed to grant that co-opera-
 tion, the constant opposition of the Legislative Coun-
 cil is of a nature to prevent so important an appeal
 from being followed by any result. For ourselves,
 we are conscious that we have ever been, and are
 still guided in our labors by our conviction of what
 was for the greatest advantage of the people, and
 best adapted to cause your Majesty's Government in
 this Province to be respected, cherished and strength-

ened ; and firm in our determination to pursue the same course, we pray your Majesty to believe that we shall not depart from it."

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They continued,—

"Respecting as we do the expression of the Royal pleasure, we yet regret that the Ministers of the Crown should have declared that your Majesty was most unwilling to admit that the question of an elective Legislative Council was a subject open to debate in this Province. We beg to be permitted to represent to your Majesty, that it is not within the province of the Colonial Secretary to limit the subjects which are to engage the attention of this House and the people it represents, within the required forms, and with the view of improving the laws and condition of the Province. Against this infringement of the liberties of the subject, by one of your Majesty's responsible servants, we dare to appeal to the supreme authority of the Empire, to that of your Majesty, sitting in your high Court of Parliament.

"We do not intend to discuss the historical points of English colonial government, on which we venture to differ with your Majesty's ministers. Time has solved the problem, and we firmly believe that those happy countries to which these questions refer, would never have attained the degree of prosperity which they now enjoy, either under the old colonial government, or under a system like that which successive colonial ministers have established and maintained in this colony.

"On the subject of the Executive Council, we abstain from entering on any details, because we hold this question to be closely connected in practice with the other more important subjects of colonial policy. We shall confine ourselves in saying, that the full and entire recognition of the rights of this House and of the people, by those whom your

Chap. Majesty may be pleased to call to your Councils, and
 xxxvi. ~~their constitutional responsibility based upon the~~
 1836. ~~practice of the United Kingdom, will be essential~~
~~motives for confidence in your Majesty's govern-~~
 ment.

"We have (they said) also asked, and now again ask, for the repeal of certain noxious acts of which the people of the country have complained."

These were "the Tenures Act," and that relating to the British American Land Company. It is to be understood that under the former act a Court of Escheats had lately been established, which they remarked had in fact merely served as a pretext for creating several sinecures paid out of the public revenue of the province, which they "had not recognised, and would not recognise." With respect to the latter they observed:—"One of the effects of this act has been to confirm the illegal sale of nearly a million of acres of the waste lands of this Province, made to the said company, in addition to the unusual privileges it confers on the said company, with regard to the application of the proceeds of the said sale,—privileges which belong solely to the provincial Legislature whose powers have been therein usurped. This subject is also closely connected with the incontestible right of British subjects inhabiting this Province, and of those who come to settle therein, not to be taxed without their free consent, expressed through their representatives. The said sale has also rendered impossible the free settlement of the most advantageous portion of the accessible lands, and properly speaking the only portion of these lands which had escaped the action of the system of fraud, speculation and monopoly, which the servants of your Majesty's government in this Province have constantly maintained in this department. We humbly believe, that independently of the high consideration aforesaid, an essential point of the public

law of the country has been lost sight of, namely, Chap. that the waste lands of this Province are not, may it xxxvi. please your Majesty, of the same nature as the hereditary and patrimonial property belonging to your Majesty's Crown, any more than they had that character when they were held by His Most Christian Majesty. They formed then, and we deem that they form at this day, ~~part of the public domain of the State, which in the several dependencies of the Empire, is committed to your Majesty's paternal care,~~ 1836. for the benefit of their inhabitants and of other subjects of your Majesty who may wish to settle therein, and is subject to the supreme authority of Parliament: and we conceive that in this Province the provincial Parliament is fully and exclusively invested with this authority, the exercise of which we shall never willingly renounce."

They added,—“from the moment when the very act which defines the forms of our present constitution went into operation (a circumstance which cannot but have weight with your Majesty) your Majesty's government has recognized the nature and destination of the waste lands of this Province, by the very act of reserving and continuing to this day to reserve a seventh part thereof, to belong more particularly to the Crown, and to be under its special control. Instead of this seventh, the Executive authorities have taken possession of the whole of these lands, of which they have disposed for the personal advantage of their members, and of their friends and subalterns, for the purpose of planting corruption in the representation and among the people, of securing an undue irresponsibility in the provincial administrations, and of withdrawing them altogether from the control and influence of this House. To justify their former waste, and to retain the same means of bad government for the future, the same authorities built up into a doctrine, what had there-

Chap. before been only a culpable act; and these pretensions, rendered powerful by their own effects, have unhappily made their way to your Majesty's throne, and to the supreme councils of the United Kingdom.

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"Under the ancient government of Canada, the settlement of the wild lands, under a system as regular and easy as possible, and adopted to the circumstances of the climate, the laws, manner and locality, by the then inhabitants, and by others of their fellow-countrymen who came to settle among them, was regarded as a point so essential, that a great portion of the ancient law of the country relates to this subject, and lays down rules which ensure the right of the population to obtain lots of land for the purpose of cultivating them, and which establish the relative rights of the parties interested. We conceive that the power of ensuring the efficiency of these laws, of modifying them, or enacting others in their stead, in case of need, has devolved solely upon the Provincial Parliament.

"We regret, that since the change of dominion, the exactions of certain seigniors in some cases, and the undue favors which have been conferred on others under the Tenures Act, on the one hand, and the pretensions of the Executive to dispose of those lands without control, on the other, have entirely nullified the advantages which were best adapted to advance the moral and physical welfare of the people, and to give stability to their institutions and to their political existence, as a happy and affectionate portion of Your Majesty's subjects. We are sure that the people of Canada, of whatever origin, have equally had reason to complain of the vices and abuses above mentioned. We cannot believe that while rights so essential were recognized and respected under an absolute monarchical government, the operation of the British constitution, though imperfect in its application to this Province, will be absolutely insufficient to maintain them.

Tenure de terre

" We therefore pray your Majesty to be pleased to recommend to Parliament the repeal of the said Act passed in favor of the Land Company, and also that it may please your Majesty to adopt legal means for annulling all the undue privileges incompatible with the rights of this Province, which it is the object of the said Act to confirm, or of which it may have been the source. We also humbly pray your Majesty to be graciously pleased, with regard to the matters relative to the public domain, and the lands of this Province, to recognize the rights of its legislature, and with the consent of your Majesty as the first branch thereof, to render available all the resources of the country for the support of your Government therein, and for the equal benefit of all your subjects who inhabit the Province, or may come to settle in it, and more especially to ensure to all without distinction the means of settling on the waste lands, under any system and on such conditions as shall be found most advantageous.

" On the subject of the independence of the Judges", they said :—" We see with pleasure that there exists no difference between the views of His Majesty's Government and our own. We regret that we were mistaken in our efforts to carry them into effect. Since that time the modifications which have rendered the character of the Legislative Council worse, while it was pretended to make it better, have convinced us that it would be of no advantage to the due administration of justice, to proceed on the same basis. We shall not, however, abandon the consideration of the subject, and we shall attentively examine any plan which shall appear to us well adapted for the attainment of the desired end.

" What we have now said will suffice to show your Majesty what our views are, with regard to the politics of the colony as a whole, to the functions and powers which we believe to belong to the Pro-

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the same again do this

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vincial Legislature on all matters relative to the internal affairs of the colony, and with regard to what we conceive to be the best means of ensuring activity, efficiency and responsibility in the public service. We would suggest to your Majesty, that there are on this portion of the American Continent, more than a million of your Majesty's subjects, composing the Colonies of Upper and Lower Canada, who, speaking different languages, and having a great diversity of origin, laws, creeds and manners, characteristics peculiar to them respectively, and which they have severally the right to preserve as a separate and distinct people, have yet come to the conclusion that the institutions common to the two countries ought to be essentially modified, and that it has become urgently necessary to reform the abuses which have, up to this day, prevailed in the administration of the Government. We rejoice that we have, in our just claims, the support of our brethren of Upper Canada. This support will render manifest to your Majesty and to our fellow subjects in all parts of the Empire, that we have been sincere in our declarations, that the circumstances and wants of the two Canadian Provinces do indeed require a responsible and popular government, and that we have been actuated by no narrow views of party or of origin in repeating to your Majesty for many years, our prayer that such a Government may be granted to us.

"With regard to the protection and to the equality of the rights which your Majesty's Canadian subjects are entitled to, the remedy of evils and abuses, the abolition of sinecures and pluralities, the expected formation of an Executive Council on the principles we have set forth, and to divers other subjects more particularly mentioned in the Speech from the Throne at the opening of the present Session, we refer to the answer to His Excellency the Governor

in Chief; and we ardently wish that the views and instructions of your Majesty's Government, on the essential points, may be of a nature to facilitate the results which your Majesty's Representative has been pleased to promise, and which it will afford us the most lively satisfaction to see attained.

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They moreover observed that—"In the extracts from despatches hereinbefore cited, there are certain passages which induce us to believe that we have not made ourselves understood by your Majesty's Government, with regard to the nature of the control we desire for the Provincial Legislature over the waste lands of the public domain of the Province, and which might cause some apprehension in the opinion of our fellow subjects. We have never claimed to exercise over this portion of the affairs of the Government, any other authority than the parliamentary and constitutional authority which we are entitled to exercise over all the other affairs of the country in so far as the peace, welfare and good government of the country may be therein concerned. We have also set forth at length our reasons for believing that this authority belongs to us. On this head, as on all others, our wish is that the due execution of the laws may remain in the hands of the Executive authorities, within the limits prescribed by the laws and the constitution, and under the necessary responsibility; but we also wish that the right of the Assembly of the Province to legislate on these subjects, jointly with the other branches of the Legislature, and to exercise in this behalf the other powers of the Commons of the country, may receive its full application.

"It remains (they finally observed) for us to address your Majesty on this important and extensive subject,—the public revenue and expenditure of this Province. We humbly thank your Majesty for the gracious declaration, that your Majesty is

Chap. disposed to admit the control of the Representatives
 xxxvi. of the people over the whole public Revenue
 1836. raised in this Province. We regard the fulfilment
 of this promise as of the highest importance. In
 stating explicitly in the preceding portions of the
 Address, the rights which we humbly believe to
 belong to the Legislature of this Province, with
 regard to certain parts of this Revenue, we wish to
 present the subject in its true point of view, in order
 that no misconception may hereafter retard the
 desired result. In the proposals which it may
 please Your Majesty to make to us for the purpose
 of attaining this result, it is impossible that your
 Majesty should lose sight of the essential principles
 of the Constitution, or to the declaratory Act of 1778,
 to the benefit of which we believe the people of this
 country are peculiarly entitled. We shall receive
 with respect, and examine with the most scrupulous
 attention any communication which Your Majesty
 may be pleased to make to us, tending to the settle-
 ment of the financial questions. We believe, how-
 ever, that any merely temporary arrangement, made
 as a matter of expediency, and not carrying with it
 the recognition of the principles we have supported,
 could not have the desired effect, but would sooner
 or later bring back the very difficulties with which
 we are now contending. We humbly represent to
 Your Majesty, that the people of this Province, tired
 of the continued struggle in which they have been
 so long engaged to obtain the recognition of their
 rights on the part of the Metropolitan and Colonial
 authorities, would regard with painful apprehension
 the possibility of the recurrence of the same state of
 things, and of the necessity of making new sacrifices
 for the purpose of laying these complaints before
 Your Majesty and Parliament. We wish for a
 Government which shall assure us freedom and
 security; the unrestricted effect of Your Majesty's

declarations can alone confer it on us ; and it will be when we possess it, and can entertain a hope of the removal of grievances and abuses we complain of, that we can properly seek the means of giving effect to Your Majesty's wishes with regard to an appropriation of a permanent nature. With respect to the extension of any appropriation of this nature beyond what we have hitherto thought to be reasonable, it will be impossible for us to take the subject into consideration until after the views of Your Majesty's Government, with regard to the details, shall have been made known to us. We must, however, declare that having represented to Your Majesty our views with regard to the efficiency and responsibility which we wish to see established in the Provincial Government, we should think we failed in our duty to our constituents if we destroyed that efficiency and that responsibility, by placing, as a general rule, the great public functionaries of the province, beyond the reach of the wholesome action of the constitution. We are not actuated by any merely pecuniary motive ; we believe that the largest sums Your Majesty's Government could ask for, would be utterly insignificant in comparison with those for which Your Majesty's servants in this province have been defaulters, or the enormous sums expended out of the public revenue, without the authority of the Provincial Legislature, and even in opposition to the votes of this House ; or in comparison with the waste of the public property, by which four millions of acres of land or more, scarcely an eighth part of which has yet been settled, have been monopolized or alienated. But we earnestly desire to preserve the benefit of a just control on the part of the Legislature over the several branches of the Provincial Executive, and we can never consent by renouncing it, to confound all the powers of the state for time to come.

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" Having thus rendered manifest our opinions on the essential points of the extracts from despatches which have come to our knowledge, we refer on all other points, to our humble petition to Your Majesty and your Parliament, of the 1st of March, 1884, and the 21st February, 1885, in which we persevere. We beg leave to call Your Majesty's royal attention to the essential reforms we have pointed out in the former part of this address, and which we believe to be indispensably necessary. Declaring ourselves unsatisfied with the views and intentions of Your Majesty's ministers, we address ourselves to Your Majesty and to your Parliament, in order that our just claims may be listened to, and that Your Majesty's government in this Province may forthwith become a constitutional and responsible government, and one possessing the confidence of your faithful subjects.

" We have frequently regretted that the destinies of the inhabitants of this portion of the British Empire should depend almost solely on a Colonial Minister acting on the other side of the ocean, and for the most part on incorrect data and an imperfect knowledge of facts.

" We expect full justice from the august tribunal to which we appeal, and we trust that the Provincial Parliament will be so called together, for its next session as to enable us to continue as early as possible our labours for the welfare of the country, and, reassured by the measures we expect, to consider the means of finally arranging the difficulties which subsist in the Government of this Province, and of giving strength, stability and public confidence to Your Majesty's government therein.

" Wherefore we respectfully entreat Your Majesty to listen favorably to our humble prayers, and as well by the exercise of the august powers which belong more especially to Your Majesty as jointly with

the Parliament of the United Kingdom, to render Chap. full justice to your faithful subjects, and to deliver xxxvi. them from the system of oppression and bad govern- 1836. ment which the Colonial Ministers have long made to press heavily upon them. And by inclination led, as well as by duty bound, we shall ever pray for Your Majesty's sacred person."

It was then resolved, (26th Feby., 1836) "That the Speaker should transmit to John Arthur Roebuck, Esquire, agent of the province in England, the petitions of this House to the two Houses of Parliament of the United Kingdom, adopted this day, and that the said agent be requested to adopt measures for requesting them to be presented and for supporting the same." The petition to His Majesty was forwarded through the Governor.

These being expedited the Assembly proceeded to other matters. The North American land Company being peculiarly obnoxious, an Address to His Excellency was voted.

"Resolved, That an humble Address be presented to His Excellency the Governor in Chief, praying that until His Majesty's Government shall have done justice to this House and the people of this Province, by procuring the repeal of the Act in favor of the North American Land Company, and the revocation of all contracts and other deeds or instruments tending to grant to the said Company the property or enjoyment of any portion of the waste lands of this Province, he will be pleased to suspend the issuing of any Patents or other instruments tending to convey to the said Company, as above mentioned, any portion of the said lands, and not to confirm any anterior contract, deed or instrument; and that he will protect in this behalf, the rights and interests of His Majesty's faithful Subjects in this Province; also, praying His Excellency to be pleased to inform this House whether any such Patents

Chap. or instruments have been issued in this Province since
 xxxvi. the formation of the said Company, and if any have
 1836. issued, to be pleased to lay before this House a
 statement of such Patents or instruments, and of the
 situation of the lands therein included.

To this His Excellency answered : "I do not
 conceive it to be within the scope of the powers de-
 legated to me as Governor in Chief of these Provinces,
 to annul or abridge the rights and privileges confer-
 red on any of his Majesty's Subjects by a Charter
 under the Royal Sign Manual, of which the pro-
 visions have been confirmed and extended by an
 Act of the Imperial Legislature.

"I request you, therefore, to acquaint the House of
 Assembly in answer to this Address, that, during
 the subsistence of the contracts and arrangements
 which, ratified by so high a sanction, have been
 made between His Majesty's Secretary of State and
 the British American Land Company, I do not feel
 myself authorized to refuse the issuing of Patents
 conveying to the said Company such portions of the
 wild lands of the Crown in this Province as may not
 be more than equivalent to the purchase money ac-
 tually paid by them in accordance with the terms of
 their contract.

"I, however, readily accede to the request of the
 House contained in the latter part of this Address,
 and I will desire to be laid before it, without delay,
 a statement of all such Patents or instruments as
 have issued in this Province in favor of the said
 Company since its formation, and of the situation of
 the Lands therein included."

The appointment of Mr. Gale to the Bench at
 Montreal, had as previously mentioned, given great
 offence to the dominant party in the Assembly, and
 copies of the correspondence between the Colonial
 Secretary and Provincial Government were called
 for by Address early in the session, and which accord-

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ingly were immediately laid before the House. They were no sooner delivered than referred to the Standing Committee of Grievances. The Committee reported, and upon its Report the following resolutions were adopted:—

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"Resolved, That it is the opinion of this Committee, That Samuel Gale, Esquire, lately appointed one of the Justices of His Majesty's Court of King's Bench for the District of Montreal, has been an active and decided partizan of the obnoxious Administration of the Earl of Dalhousie, formerly Governor in Chief of this Province, against which the people of this colony, did in the year 1827, successfully complain.

"Resolved, That it is the opinion of this Committee, That the said Samuel Gale did, in the year 1822, take an active part in circulating a certain Petition to the Imperial Parliament of Great Britain and Ireland, praying for a Union of the Provinces of Upper and Lower Canada under one Legislature, which Petition contained gross calumnies against this House, and against the people of this Province; grossly misrepresented the Civil Law in force in this colony; tended to engender animosities, prejudices and distractions between the various classes of His Majesty's subjects therein; to endanger their rights and privileges, and to disturb the institutions and customs guaranteed to them by solemn Treaties and solemn Acts of Parliament.

"Resolved, That it is the opinion of this Committee, that the said Samuel Gale, whilst Chairman of the Quarter Sessions at Montreal, did use the power and influence of his office in acquiring and exercising an improper ascendancy over his fellow Justices of the Peace, in intimidating the Magistrates, and bringing their opinions to his will and to that of the Executive, by employing threats of punishment and exciting fears, equally hurtful to the interests of His

Chap. Majesty's government and of His subjects in this
 xxxvi. Province, by destroying the confidence of the public
 1836. in the judiciary and in the administration of Justice.

"Resolved, That it is the opinion of this Committee, that the said Samuel Gale, as appears by a letter by him addressed to the Earl of Dalhousie, then Governor in Chief of this Province, and dated Montreal, 17th August, 1827, did report to the Executive four certain Magistrates who differed in opinion with the said Samuel Gale on a legal question, with a view that the Executive should punish such Magistrates for the exercise of such opinion, and that shortly after the names of those four Magistrates were struck out, or omitted in the Commission of the Peace thereafter issued ; and that the said Samuel Gale is thereby guilty of having destroyed, inasmuch as in him lay, all independence of the Bench ; and of having endangered the security of His Majesty's subjects, and the safety of their liberties and property.

"Resolved, That it is the opinion of this Committee, that the said Samuel Gale, having been deputed to England, as the hired Agent of the then obnoxious Administration, to oppose the complaints of the people of this Province, and to support the odious Administration aforesaid, did, in his evidence before a Committee of the House of Commons, calumniate and defame this House ; evince the most violent and unfounded prejudices against the laws, customs, and institutions, in force in this country, misrepresent the same, and proved himself thereby to be a fixed and determined enemy, as well of the said laws, customs and institutions, as of the majority of the people of this Province.

"Resolved, That it is the opinion of this Committee, that the Right Hon. Thomas Spring Rice, then His Majesty's Principal Secretary of State for the

Colonies, being moved by principles of justice and good government, did as appears by a Despatch dated Downing Street, 11th November, 1834, refuse to sanction the appointment of the said Samuel Gale as Judge of the Court of King's Bench, in consequence of the line adopted by the said Samuel Gale, before the aforesaid Committee of the House of Commons, in the year 1828, and of the connection with the measures of those times.

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"Resolved, That it is the opinion of this Committee, that it is imprudent and unsafe, and dangerous to the liberties, privileges, rights and properties of the people of this Province, to intrust the Administration of the said laws, customs and institutions to the said Samuel Gale, in whom the people of this Province, in consequence of his various acts, declarations and proceedings aforesaid, have not, and cannot have any confidence as a Judge.

"Resolved, That it is the opinion of this Committee, that an humble Address be presented to His Excellency, the Governor in Chief, with copies of the Report and accompanying documents, together with copies of the Report of the Special Committee of the House of Assembly on the qualification of Justices of the Peace, made in the second Session, of the thirteenth Provincial Parliament, and the evidence and documents annexed thereto; also of the third Report of the Special Committee of this House, to whom were referred Petitions on Grievances in the same session, and the evidence, given by the said Samuel Gale, before a Committee of the Honorable the House of Commons, in the year 1828; praying His Excellency to take immediate steps, to have the said Samuel Gale, removed from the office of Judge of His Majesty's Court of King's Bench in this Province."

To this His Excellency answered, "I find by the Report delivered to me with this Address, that Mr.

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Justice Gale, is accused of having been a partizan of the Administration of the Earl of Dalhousie, against which the people complained in the year 1827 ;— of having in the year 1822, taken an active part in circulating a Petition to the Imperial Parliament, praying for the Legislative Union of the Provinces of Upper and Lower Canada, which Petition is stated to have been calumnious, and calculated to disturb the institutions and customs of Lower Canada ;—of having some years ago, while Chairman of the Quarter Sessions at Montreal, made an improper and oppressive use of his office, tending to destroy the independence of the Magistracy ;—and finally of having, in 1828, given evidence before a committee of the House of Commons defamatory of the Assembly, and hostile to the laws, customs and institutions in force in this Province.

“ All these allegations refer to a date antecedent to Mr. Gale’s being raised to a seat on the Bench, but I find no statement reflecting on his conduct subsequent to that appointment, nor, therefore, any ground which would justify me, in entering into the question whether, as prayed by the House, immediate measures should be taken for his removal : he has been confirmed in his appointment, by the Royal Prerogative, and failing any misbehaviour as a Judge, it would be inconsistent with the security which should always attach to the tenure of that office, while rightfully administered, that I should consider, whether he ought to be dismissed for acts committed before His Majesty approved of his elevation to the Bench.”

This, however, did not satisfy the Assembly, who now determined upon an Address to His Majesty, couched in the following terms :—

“ We, Your Majesty’s faithful Subjects, the Commons of Lower Canada, in Provincial Parliament assembled, most respectfully approach Your Majesty, and represent :—

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“ That after a due examination (as will appear by Chap.
a Report of the Standing Committee of Grievances ^{xxxvi.}
hereunto appended, and concurred in by Your Pe-
titioners,) into the character and conduct of Samuel
Gale, Esquire, lately appointed to the high office of
Judge of the Court of King’s Bench for the District
of Montreal, the Commons of this Province decided
that the said Samuel Gale is a declared enemy of
the laws which he is sworn to administer ; that he
has been guilty of divers misdemeanors ; that he has
been engaged in a long series of acts of hostility
against the good people of this Province, their lan-
guage, customs and institutions ; and that by his
public misconduct he has deprived himself of the
confidence, as well of Your Majesty’s subjects in
this colony as of their Representatives ; and who in
consequence, presented in the course of the present
session of the Provincial Parliament, an humble Ad-
dress to His Excellency the Governor in Chief, pray-
ing His Excellency to take immediate steps to have
the said Samuel Gale removed from the said office : of
Judge.

“ That your Petitioners have to complain that His
Excellency the Governor in Chief has refused to com-
ply with their just demands, and considered that
there was no ground which would justify His Excel-
lency in entering into the question, whether, as
prayed for by this House, immediate measures should
be taken for the removal of the said Samuel Gale
from the Bench, and that it would be inconsistent
with the security which should always attach to the
tenor of that office, to consider whether the said
Samuel Gale ought to be dismissed for acts commit-
ted before His Majesty approved of his elevation to
the Bench.

“ That His Excellency the Governor in Chief does
not appear by his answer to the said Address, to have
correctly understood the paramount reasons, and

Chap. grounds, which induced Your Petitioners to demand
 xxxvi. the removal from office of the said Samuel Gale.
 1836. That Your Petitioners never pretended to demand
 such removal for acts reflecting on the conduct of the
 said Samuel Gale subsequent to his appointment to
 the Bench, but for acts committed and opinions ex-
 pressed before his elevation to the Bench, which
 utterly disqualified him from being intrusted with
 the administration of the laws in this Province, and
 deprived him of that public confidence which is so
 necessary to every person invested with so exalted
 and important an office.

“That the disqualification under which the said
 Samuel Gale labored, in consequence of acts commit-
 ted by him, before his appointment to the Bench,
 was solemnly recognized by one of Your Majesty’s
 principal Secretaries of State for the Colonies, in a
 despatch, dated 11th November, 1834, who refused
 to confirm the said appointment; and that the subse-
 quent confirmation thereof by the Right Honorable
 the Earl of Aberdeen, upon which His Excellency
 the Governor in Chief, in his answer aforesaid,
 grounds his refusal, does not and can not, in any way
 remove the disqualification which previously existed,
 and which justly opposed the elevation of the said
 Samuel Gale to the Bench.

“That, moreover, the confirmation invoked by His
 Excellency the Governor in Chief, cannot be of any
 weight in the present case, inasmuch as it appears
 by a despatch, addressed by Lieutenant General Lord
 Aylmer to the Secretary of State for the Colonial
 department, and dated Castle St. Lewis, 23rd Jan.,
 1835, that the Earl of Aberdeen was led into error
 by false and unfounded misrepresentations contained
 in the said despatch, in which, among other things,
 it is erroneously stated that ‘those who in the first
 instance were averse to his (the said Samuel Gale’s)
 appointment, have ceased to complain of it,’ that the

appointment 'is very generally approved of,' and that 'the removal' of the said Samuel Gale from the Bench 'would have a very bad effect in this Province,' assertions which are contradicted by, and at total variance with, the representations of the people of this Province, and of their Representatives in Parliament assembled, and moreover specially contradicted by the fact that the latter have always declined to vote the salary of the said Samuel Gale as a Judge.

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"That His Excellency the Governor in Chief, in enumerating the various grounds of disqualification set forth against the fitness of the said Samuel Gale, for the high office to which he has been improperly appointed, has omitted to notice two charges which, although passed over in silence by His Excellency, are particularly disreputable to the said Samuel Gale; and Your Petitioners hope that His Excellency does not thereby intend to convey the impression that the said charges are frivolous or unfounded, or by such omission to sanction, in a high Magisterial Functionary, acts tending to bring disrespect on the laws, and to corrupt the source of justice.

"That Your Petitioners solemnly protest against the inferences which might be deduced from the principles laid down in His Excellency's answer aforesaid, that the character and conduct of a man, however bad and censurable they may be antecedent to his appointment to office, are not sufficient grounds, when made known to competent authority, to justify that authority in removing the persons so disqualified by previous bad conduct, from any office to which he may have been improperly and injudiciously appointed; inasmuch as such principles, when practically carried out, cannot fail to produce consequences peculiarly fatal to the purity and independence of the Bench, as they tend to convert the Ermine of Justice into a cloak to cover the misconduct of public men, and to protect them from the just consequences of their evil acts.

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“That Your Petitioners regret that, if His Excellency the Governor in Chief did not feel disposed, or authorized, to do full and immediate justice to the people and to this House, by the removal from office of the said Samuel Gale, he did not think proper to send the said Address and Reports, Resolutions, documents and evidence accompanying the same, to England, and recommend the whole to the favorable consideration of Your Majesty; but, on the contrary, deemed it expedient to put his direct veto on the demands of Your Petitioners respectfully conveyed to His Excellency in the Address aforesaid.

“Wherefore Your Petitioners, the Representatives of Your Majesty’s subjects in Lower Canada, pray Your Majesty to take the facts set forth and referred to in the said fifth Report of the Standing Committee of Grievances into Your favorable consideration, so that the complaints therein contained may be remedied and justice be done to Your Majesty’s suffering subjects in this Province, by the removal of the said Samuel Gale from the office of Judge of Your Majesty’s Court of King’s Bench, to which he has been unworthily and improperly appointed.”

An Address was then voted, “informing His Excellency that this House hath voted an humble Address to His Majesty, praying the removal of Samuel Gale, Esquire, from his office of Judge of the Court of King’s Bench, in this Province, and that His Excellency would be pleased to transmit the said Address to His Majesty’s government in England, to be laid at the foot of the Throne, together with copies of the fifth Report of the Standing Committee of Grievances, concurred in by this House, and the resolutions, evidence and documents accompanying the same, in order that the complaint therein contained be remedied, and that justice be done in the premises to His Majesty’s suffering subjects in this Province.”

With this Address the Speaker, attended by the House, waited upon the Governor, who answered:—

"In compliance with your wishes I will not fail to transmit, for the purpose of being laid at the foot of the Throne, your Address to our Most Gracious Sovereign, together with the other documents relating to the case of Mr. Justice Gale. Chap. XXXVI. 1836.

"I shall avail myself of the same opportunity to forward such explanations and comments as seem to be called for by those parts of the Address which relate to my official conduct in this matter."

Nothing afterwards transpired on the matter to disturb Mr. Gale, who, as already mentioned, was maintained in his office, and gave, there is reason to believe, very general satisfaction to all classes by his upright performance of the important duties attached to it.*

A petition against Mr. Justice Fletcher, of the District of St. Francis, was again laid before the Assembly this session, by Mr. Silas Horton Dickerson, renewing the complaints he had made in 1829 against that gentleman, and praying the House would resume the consideration of the grievances set forth in the former petition. This also was referred to the Standing Committee of Grievances, who reported unfavorably of the Judge. Resolutions in conformity to the Report were adopted, and an Address to the Governor was accordingly presented. It stated:—

"That since the appointment of Mr. Justice Fletcher to the Bench of the District of Saint Francis, he has abused the power confided to him, to the injury of His Majesty's subjects, and in manifest violation of his duty to the King.

"That he has unjustly and arbitrarily fined and imprisoned divers of the King's subjects for various pretended contempts of his Court, and during a series of years, on various pretexts, has vexed and harrassed them.

* He has since, to make room for another, been placed upon a retiring pension of £600 a year.

Chap. "That he has repeatedly sat in judgment in cases
xxxvi. originating with himself, and in which he took a
1836. personal interest, and pronounced illegal and iniquitous decisions therein.

"That he has repeated and aggravated the punishment when the parties, on whom his displeasure had fallen, applied to a Superior Court for redress; and that he also extended the punishment to the Attornies of the parties whom he so fined and imprisoned.

"That he had so vexatiously, oppressively and monstrously demeaned himself, as to bring the King's name and government into contempt, and to excite disaffection and disloyalty among the parties subjected to his influence.

"That these facts are proved by matter of record, explained indeed by parole testimony, but of itself so conclusive, that we cannot doubt that Your Excellency, readily admitting their force and sufficiency, will conclude that Mr. Justice Fletcher is guilty to the extent set forth herein, as well as in the Report of the several Committees which have, from time to time, been engaged in the investigation of the conduct of Mr. Justice Fletcher. With this view, we lay before Your Excellency the said Report and the evidence on which the same is founded; and we respectfully submit that if such conduct receive the countenance of His Majesty's government; if it were not punished in an exemplary manner, the ties which bind that portion of the King's subjects to His Majesty's person and government, must be injuriously weakened, and the most fatal consequences must ensue.

"Wherefore, we humbly pray that Your Excellency will be pleased forthwith to dismiss Mr. Justice Fletcher from office."

To the messengers presenting the Address, he answered:—"The charges against the conduct of Mr. Justice Fletcher, as a Judge, which are brought

under my notice by this Address, merit, and shall not fail to receive from me, the most attentive consideration; but as it does not appear that Mr. Fletcher has yet had an opportunity of meeting the evidence adduced against him, or of making his defence, I cannot come to any decision in this matter, until after I shall have heard what Mr. Fletcher may have to say in his vindication, and the whole case shall have thus been brought under my judgment."

Nothing further was heard of the matter, and Mr. Justice Fletcher retained his office.

A petition complaining of Mr. Justice Thompson: the provincial Judge for the District of Gaspé, and accusing him of divers high crimes and misdemeanors, was presented early in the session by Mr. Jos. François Deblois, in his own name, as Attorney and Practitioner in the Judges Court, recently returned for the first time to serve in the Assembly as Representative for Bonaventure. The petition being referred to the Standing Committee of Grievances, evidence was taken, upon it including that of Mr. Deblois himself, and a Report unfavorable to Mr. Thompson was in due time brought in, pursuant to which the House came to the following resolutions, it being at the same time resolved that the inquiry should be resumed the next session.

"That it is the opinion of this Committee, That John Gawler Thompson, Esquire, Judge of the Provincial Court of the Inferior District of Gaspé, has been guilty of a contempt of the laws of the country, by evincing repugnance, negligence and unpardonable indifference to the performance of his Judicial duty; and that he has by his general conduct opposed numerous obstacles to the despatch of business and to the due administration of Justice, to the great detriment of His Majesty's subjects in the said Inferior District of Gaspé.

"That it is the opinion of this Committee, That

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the said John Gawler Thompson, has been guilty of a shameful neglect of duty and of malversation in the exercise of his said Judicial functions, having among other things arrested and impeded the due course of the law, by illegally delaying and refusing his ministry to several of His Majesty's subjects in the said Inferior District of Gaspé.

"That it is the opinion of this Committee, That the said John Gawler Thompson has, in his Judicial capacity, violated the enactments of the Statutes of the Province of Lower Canada, relating to the jurisdiction and constitution of His Majesty's Provincial Court of the Inferior District of Gaspé, and the rights and privileges inherent in all His Majesty's subjects, and solemnly guaranteed to them by the bill of rights; because the said Judge, in consequence of his intemperance, has rendered himself incompetent to hold several of the Terms of the said Provincial Court; and, because, owing to the same cause, the said Judge has only imperfectly held divers other Terms of His Majesty's said Provincial Court of the said Inferior District.

"That it is the opinion of this Committee, That the said John Gawler Thompson has, in consequence of his intemperance on the Bench, and while the Court was sitting, been guilty of conduct which renders him unworthy of His Majesty's confidence: and that he cannot hold the office of Judge in this Province in a manner compatible with the honor of His Majesty's Government, and the interests of the people of this country.

"That it is the opinion of this Committee, That an humble Address be presented to His Excellency the Governor in Chief, praying him to use the powers vested in him by his Commission, for the purpose of provisionally suspending the said Honorable John Gawler Thompson, Judge of His Majesty's Provincial Court of the Inferior District of Gaspé, from the

exercise of his judicial functions during the continu-
 ance of the enquiry on the petition of Joseph Fran-
 çois Deblois, Esquire, and until the final removal of
 the said Judge may be solemnly awarded by the pro-
 per authorities.

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These being communicated to the Governor by an
 Address, "I shall not fail"—said His Excellency in
 answer—"to give the most attentive consideration to
 the charges brought under my notice by this Address,
 against the conduct of Mr. Thompson, as Judge of
 the District of Gaspé; but I cannot come to any de-
 cision upon the case until I shall have received from
 Mr. Thompson such defence as he may have to offer
 to the accusations preferred against by him by the
 Assembly."*

* There being no tribunal in the Province, for the trial of im-
 peachments by the Assembly, this functionary, in the public dif-
 ficulties that ensued, escaped further perquisition, but was never,
 in so far as I have been able to ascertain, formally absolved from
 the charges preferred against him. The Executive could not,
 with propriety, dismiss nor suspend him from his office on the
ex parte evidence received by the Assembly, and on which it had
 impeached him. He had procured in vindication of himself divers
 certificates, some on oath it is said, of his good conduct, character
 and standing, in the District subject to his jurisdiction, as well as
 an Address prepared by, or at the suggestion of his friends, or de-
 pendants, expressive of the public approbation and confidence in
 him, which were publicly hawked about the District for signature
 by a bailiff of his Court, and to such as refused to sign *malheur*, when
 they afterwards recurred to his Court. It is nevertheless, a fact
 within my own knowledge, and since that time amply verified by
 an inquiry instituted by the Executive government, that his ad-
 ministration of the Laws had produced much dissatisfaction, and
 was exceedingly unpopular, and indeed odious to the inhabitants
 universally. Much of this unpopularity, however, it is but proper to
 remark, was due to the belief prevalent in the District of Gaspé,
 whether with or without cause I cannot say, that he was unduly,
 influenced in his Judicial decisions by an Attorney, a relation of
 his, practising in his Court, whose indiscreet and habitual
 boasting of his influence over the Judge, partly from vanity, and
 partly to procure practice, if it did not actually give rise to the
 notion, essentially countenanced and encouraged it.

The abuses complained of in the impeachment alluded to,
 having escaped impunity, went on increasing until the Union,

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By petition of Mr. Adolphus M. Hart, a student at law, a complaint was also laid before the Assembly against Mr. Justice Bowen, one of the Judges of the Court of King's Bench at Quebec, accusing him of being "notoriously a partial, violent and corrupt

shortly after which, Commissioners were appointed, pursuant to an Address (which I felt it my duty to move, as Representative for the County of Gaspé) from the Legislative Assembly to the Governor, in the first Session (1841) and who, in the summer of 1842, proceeded to the District of Gaspé to enquire as to the nature of the alleged abuses and to Report upon the subject. The gentlemen selected for the purpose, the Hon. A. W. Cochran and P. B. Dumoulin, Esquire, both Barristers of respectable standing, were well qualified for the mission.

They reported very largely, and, as I can vouch from my own personal knowledge, faithfully on the subject matter of enquiry committed to them. Their Report stands in the Journal of the Legislative Assembly for 1843. "No words that we can use," say those gentlemen with great truth, "can exaggerate the distrust and dissatisfaction with it (the Administration of Justice) expressed to us, with one almost unanimous voice, by all classes of the people who have had occasion to seek justice in the Court, from the fisherman in his boat to the merchant of extensive dealings, and from Gaspé Basin to the Ristigouche. The force and extent of the feeling of distrust and dissatisfaction which we have described, would alone, as it appears to us, be a sufficient reason for attempting some remedy by a change of system. While we, studiously discouraged, and as far as possible repressed accusations or complaints against the personal conduct, character or capacity of individuals connected with the administration of justice, we found those grounds of want of confidence to be too generally prevailing to be kept out of sight, and we have not therefore felt ourselves at liberty to mutilate or suppress any part of the written communications to this purpose which we have received, being convinced in annexing them *in extenso* to our Report, that no other effect will be allowed to them by Your Excellency than is consistent with justice and the public good." No further investigation took place as to Mr. Thompson's personal conduct, but the system was soon after broke up. His jurisdiction, from £100 was reduced to £50 and limited to the County of Bonaventure, a District Judge being appointed to the County of Gaspé, with a like limited jurisdiction, it being also provided by the same Act that a Superior Term should once a year be held in the District of Gaspé, by a Judge of the Superior Court at Quebec, assisted by the two district or local Judges. The system is still no doubt very imperfect, but will be improved gradually by the Legislature as its defects become apparent.—R. C.

Judge; that he had during a series of years been guilty of flagrant abuses of his judicial authority; that he has oppressed divers of the suitors who had applied to the said Court for justice; that he has pronounced opposite judgments in cases similarly situated, and that these judgments are ascribable to his partiality for his relatives and friends, and to his personal animosities towards others of the said suitors. That he had by such gross violation of the law subjected divers of His Majesty's subjects to enormous and various expenses and injuries; affected the character of the administration of justice, by reason whereof His Majesty's subjects repose no confidence in the tribunal in which the said Judge presides." The petitioner pledged himself "to specify and prove by competent testimony a great number of instances of gross misconduct on the part of the said Judge in his judicial capacity," and prayed for an investigation into his public conduct and character. The petition was forthwith referred to the Standing Committee on Grievances, with "an instruction to it to inquire into the public character and conduct of the Hon. Mr. Justice Bowen."

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Mr. Bowen petitioned the House, repelling in strong terms the imputations of his accuser, and requesting that he should "be required forthwith to exhibit such specific allegations as may afford to the petitioner some idea of the charges which the House is called upon to investigate, and that thereupon after such specification of his charges shall have been produced, such reasonable opportunities may be afforded to the petitioner, to be present, and with counsel, if he see fit, to confront the witnesses to be adduced, and put such questions to them as the petitioner may be advised, to elicit truth, and for the preservation of that honor and character of the petitioner without which life is not worth preserving; and that in default of the said Hart presenting such specific allegations

Chap. within such short period as the House may be pleased
xxxvi. to assign, his said petition and complaint may be re-
1836. jected with such expressions of disapprobation as
 conduct so unjustifiable would naturally call for ;
 and the petitioner lastly claims of the House all
 such relief as in its justice and wisdom may be
 deemed right and proper."

It being moved on Mr. Bowen's petition "That it be an instruction to the Standing Committee on Grievances to require the petitioner, Mr. Hart, to specify and articulate the various subjects of complaint which he may have against the said Judge, Edward Bowen, Esquire," the house resolved itself into Committee of the Whole to deliberate upon the subject, and rose without reporting. In other words, Mr. Bowen's request was refused. The Committee consequently proceeded on the inquiry, and finally made a report unfavorable to Mr. Bowen, but at so late a period of the Session that the matter could not be brought to a close. It was stated in the Report, that "the facts elicited in the course of the investigation are so important; they have so much the impress of truth; they contain so much grave matter which must be laid to the charge of the Honorable Judge, that your Committee cannot hesitate to record their opinion that there is room for accusation." It consequently was resolved by the House that it was "expedient to continue the inquiry into the public character and conduct of Mr. Justice Bowen, during the ensuing session of Parliament." The posture of public affairs when the next session took place was such, however, as to prevent proceedings in any of the inquiries that had been continued over, and Mr. Bowen consequently escaped all further perquisition.

Messrs. Felton and Gagy, the former Commissioner of Crown Lands, and the latter Sheriff of the District of Montreal, and both members of the Le-

gislative Council, were not so fortunate. In consequence of a Report from the Standing Committee on Grievances, who had been instructed to prosecute an inquiry (instituted the previous session) into the public character and conduct of the Hon. W. B. Felton, an Address was sent up to His Excellency as follows :—

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“ We, His Majesty’s dutiful and loyal subjects the Commons of Lower Canada, in Provincial Parliament assembled, humbly approach Your Excellency for the purpose of representing: That after a full, calm and dispassionate investigation of the charges brought against the Honorable William Bowman Felton, in his public character as agent for the settlement of the Townships of Ascot, Eaton, Hatley, Orford and Stoke,—and after having received and maturely weighed the multitudinous and irrefragable evidence adduced in support of those charges, the conviction has been irresistibly forced on us, that the said Honorable William Bowman Felton, has grossly, dishonestly and oppressively abused the confidence reposed in him by His Majesty’s government, and is unfit to hold any office under the Crown.

“ Because it is established by evidence under the hand of the said Honorable William Bowman Felton himself, explained and elucidated indeed by other and conclusive testimony, but sufficient in itself alone to establish all the facts alleged in the said charges,—that the said William Bowman Felton has been guilty of oppression, peculation and extortion, by abusing the powers entrusted to him in relation to the waste lands of the Crown,—that he falsely and fraudulently represented himself to be the proprietor of a great extent of those lands to which he had no manner of right,—that he falsely and fraudulently denied that such lands could be gratuitously granted to divers settlers who applied for and were entitled thereto upon the mere performance of the settling

Chap. duties, and concealed from them that it was his
 xxxvi. bounden duty to make such grants,—that he cor-
 1836. ruptly and oppressively exacted and received from
 the said settlers applying for and entitled to gratui-
 tous grants, large sums of money as the price of
 land which he sold as belonging to himself, which
 was in fact the property of the Crown, and of which
 he was by his office bound to procure them gratui-
 tous grants,—and that he knowingly and fraudu-
 lently exacted and received from His Majesty's
 government a grant of ten thousand acres more than
 it was intended to convey to him, and that he de-
 signed to retain the same, although it would appear
 that he was subsequently compelled to make some
 kind of restitution.

“We further submit for the consideration of Your
 Excellency a copy of the Report of the Special Com-
 mittee by whom the investigation was conducted,
 and of the evidence taken by them; and we beg
 leave respectfully to solicit Your Excellency's atten-
 tion to the serious nature of the charges against the
 said Honorable William Bowman Felton, and the
 indubitable evidence by which they have been sup-
 ported and proved.

“Wherefore we humbly pray that Your Excellency
 will render manifest to the people of this Province
 that honesty and good faith are among the
 essential requisites of fitness for public office under
 His Majesty's government, by forthwith removing
 the said Honorable William Bowman Felton from all
 offices of honor or emolument which he may hold by
 commission during pleasure.

To this he answered,—“I am sensible of the se-
 riousness of the charges which accompany this Ad-
 dress, and of the weight of the evidence adduced in
 support of them. But until the party accused shall
 have offered his defence, which he has been called
 upon to furnish without delay, the time is not arrived

when a conclusion can, with propriety, be adopted by the government.

“Some of the accusations appear to me to contain allegations of fraud requiring the decision of a Court of Justice, and I shall take the opinion of my responsible legal advisers on the subject. Upon obtaining their Report, and as soon as the required explanation from the accused shall be received, I will not fail to take the best means in my power for obtaining a just and speedy termination of the case.”

Mr. Felton was finally removed from his office on the strength of the above.

Mr. Gagy was accused principally of giving “false evidence in his examination before the Special Committee appointed to inquire concerning the fees and emoluments received by the Sheriff’s, Prothonotaries and criers of the Court of Appeals, and Courts of King’s Bench of this Province, in virtue of their respective offices,” the Assembly declaring that in so doing he had been guilty of a high misdemeanour and a breach of the privileges of the House.* The

* “That it is the opinion of this Committee, That by such false evidence, the said Lewis Gagy intended deliberately and corruptly to conceal from the knowledge of this House, the enormous and disproportionate amount of the fees and emoluments which he receives as Sheriff of the District of Montreal, and, thereby to prevent this House and His Majesty’s Government from applying an effective remedy to the great abuses and grievances aforesaid, under which His Majesty’s faithful subjects are suffering.

“That it is the opinion of this Committee, That the Legislature of this Province has already exerted itself to improve the physical and moral condition of the accused persons and those under sentence in the Gaols of this Province, and that until its efforts and labours can be followed by immediate effect, it is expedient to remedy the abuses which may exist in the keeping and management of the Common Gaols in the several districts of this Province.

“That it is the opinion of this Committee, That by the common law of the country, as well as by the Act passed in the forty-fifth year of George the Third, chapter thirteen, the Common Gaols in and for the several districts of this Province, are placed under the care of the Sheriffs in their respective districts; and that by virtue of the said laws it is the especial duty of Lewis Gagy, Esquire, Sheriff of the District of Montreal, to keep and superintend the

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1836.

Chap. Assembly addressed the Governor on the subject,
xxxvi. who promised to take it into serious consideration,

1836. Common Gaol of the district of Montreal, and to see that it is healthy and secure.

"That it is the opinion of this Committee, That the Officers to whom the keeping, security and healthiness of the said Gaol were entrusted, had at their disposal on the 9th December, 1835, the means of furnishing to the prisoners therein confined, the usual and sufficient allowance of provisions and fuel to maintain and preserve the lives of the said prisoners.

"That it is the opinion of this Committee, That the death of the prisoner, John Collins, which happened in the said Common Gaol of the district of Montreal, in the night between the 9th and 10th of December, 1835, is to be attributed chiefly and in great measure, to the culpable negligence of the subordinate Officers who had the care and keeping of the said Gaol, and whose duty it was to watch over the health of those whom it contained, and that the Sheriff of the district of Montreal was bound to superintend the said Officers, and is responsible for their conduct, and has been guilty of violating his duty in not superintending them with sufficient care, and in neglecting to see that the said Gaol was kept in proper order, and the health of the prisoners properly attended to

"That it is the opinion of this Committee, That by his answers before the Special Committee directed to enquire into the circumstances which preceded and accompanied the death of the said John Collins, and the state of the said Gaol, the said Lewis Gagy has shewn himself ignorant of the state, keeping and management of the Gaol under his charge; that the said Lewis Gagy has permitted the existence of serious abuses and vicious regulations in the said Gaol so under his care, and has not taken any means to remedy them; and he has permitted and authorized the continuance in office, as Turnkeys, of the two sons of the Gaoler, notwithstanding their bad conduct and immoral character, with which circumstances the said Lewis Gagy was acquainted.

"That it is the opinion of this Committee, That the said Lewis Gagy is therefore unworthy to enjoy the confidence of His Majesty's Government in this Province, or to hold any place of honor or of profit therein.

"That it is the opinion of this Committee, That an humble Address be presented to His Excellency the Governor in Chief, praying that he will be pleased to exercise the powers with which his Commission invests him, by removing the said Lewis Gagy from the office of Sheriff of the district of Montreal, and that he will not hereafter appoint him to any place of honor or profit in this Province."

The Quebec Mercury makes the following ironical remarks, on the accusation of Mr. Gagy by the Assembly:—

"Is a member of the Legislative Council. Summoned the Grand Jury which found *no Bill* against the Military accused for

and adopt such measures as the case might require. Chap. This gentleman also was soon after removed from his xxxvi. office.* There were addresses against other officials, 1836. but of minor rank, including Mr. Witcher, Sheriff of the District of St. Francis; J. M. Mondelet, Coroner at Montreal; D. Chisholme, Clerk of the Peace at Three Rivers; Edward Holland, the Gaoler at Montreal, and Daniel Arnoldi, physician of the gaol thereof; some of whom also were dismissed. Some

the 21st of May affair. A gentleman by birth and education; was not well acquainted with his pecuniary concerns; advanced £2000 to support the prisoners, &c., while the Assembly had made no provision; therefore guilty of the sufferings which are supposed to have occasioned the death of the prisoner. Has a very profitable place, arising from fees, which the Assembly has *again sanctioned by Bill* this session. It would no doubt suit a patriot.

* Mr. Gury was of a patrician family in Switzerland, and served when a youth in the famous Swiss Guards in the employ of the King of France, the unfortunate Louis XVI, and narrowly escaped the memorable massacre of those guards in defence of the King. He immigrated shortly after the French revolution to Canada, where he inherited, or rather came by will, to a very considerable property including the valuable Seignior of Yamachiche, and other estates, in the District of Three Rivers, bequeathed to him by an uncle, the Hon. Conrad Gury, who had been an officer of the 60th Regiment, and served under Wolfe, during the siege of Quebec, in 1759, and who shortly after this, left the army and settled in Canada, where he finally became a member of the Executive and Legislative Councils. His nephew, the gentleman here spoken of, served for many years in the responsible office of Sheriff in the District of Three Rivers, and was in reward of his diligence and punctuality in the duties of this office, promoted to the more lucrative shrievalty of Montreal. He commanded during the late war with the United States, one of the Battalions (the third) of the incorporated militia of Lower Canada, actively serving on the frontiers, and in that, as in other capacities in which, through a long life, he acted, was deemed an efficient and zealous, public servant. Age, aggravated by domestic crosses had, it seems, impaired to mental alienation, his faculties, and occasioned the errors, at which the Assembly took offence, and visited him with their displeasure, which he did not long survive. Personally acquainted, for a long period, thirty years at least, with the late Colonel Gury, it is due to his memory, to express my conviction, humble though it be, that he would have scorned, in the full possession of his intellects, to shield himself at the expense of truth or honor, from any liability however grave, or I knew him not.

R. C.

Chap. of these proceedings may very probably have origi-
 xxxvi. nated in private and vindictive motives from party or
 1836. other causes, but there can be no doubt whatever
 that the prevalence of abuses as well by certain of
 the Judges as others in office, loudly called for inves-
 tigation.

The Standing Committee of Grievances laboured unremittingly, as may be supposed from the number (thirteen in all) and extent of their Reports embracing every topic of grievance that could well be imagined. The fourth of these voluminous papers is probably the most interesting. It was made pursuant to an instruction from the House "to inquire into the proceedings adopted by either House of the Imperial Parliament of Great Britain and Ireland, relative to the petitions addressed by this House, and the people of this colony, to His Majesty and the said Parliament in the year 1834 on the state of the Province." This document, to which there was an appendix of voluminous correspondence and papers, including the proceedings before the Committee of the House of Commons in 1834, on Canadian affairs, concluded as follows:—

"A system of misrepresentation and premeditated deception, which your Committee have just exposed, uninterruptedly continued for five years, could not fail to embroil your Honorable House with His Majesty's ministers; to shake the confidence of His Majesty's subjects in the justice of His Majesty's Government; and to plunge this Province in confusion from one extremity to the other.

"To be relieved from the misgovernment and oppression which proceeded from such a state of things, your Honorable House and the people of this Province appealed once more to the Imperial Parliament. The Report, evidence and documents hereunto annexed, are the fruit of that appeal.

"From a careful examination of those despatches

and documents, and a faithful comparison thereof with the various messages and other communications made by the late Governor in Chief to your Honorable House in His Majesty's name, your Committee are of opinion :

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“ That Matthew Whitworth, Lord Aylmer, late Governor in Chief of this Province, has grossly abused the authority and trust reposed in him by the King, his master, and been guilty of high crimes and misdemeanors.

“ That he has been in the constant practice of mutilating and curtailing various despatches transmitted to him by the King's ministers, before communicating the same to your Honorable House, thereby wilfully misrepresenting and perverting the views of the King's Government.

“ That he has flagrantly and repeatedly disobeyed the King's instructions.

“ That he has frequently, to the injury of the interests of the Province, refused to communicate, or falsely denied that he had information with which your Honorable House, with a view to promote the public service, requested to be furnished.

“ That he has wilfully and maliciously deceived the King's Government as to the views, opinions, and wishes of your Honorable House, representing His Majesty's subjects in this Province.

“ That he has attempted at sundry times, to destroy the constitutional and inherent privileges of the Legislature of this Province.

“ That he has, by wicked and evil counsel, attempted to mislead, and actually did mislead, the servants of the Crown on matters touching the welfare of this Province, and the rights and liberties of the good people thereof, thereby endangering the safety and connexion of this colony as a dependency of the British Crown.

“ The whole nevertheless humbly submitted.”

Chap. An Address was voted to His Excellency praying
xxxvi. he would be pleased to transmit the fourth Report of
1836. the Standing Committee on Grievances, to His Majesty's Government in England, with which he complied.

Besides the Standing Committee on Grievances, there were other Committees, as may have been gathered by the reader from what has preceded, occupied in the research and investigation of public abuses. A Special Committee had been appointed "to inquire concerning the officers of the Executive Government, their number and functions, and the salaries, fees and emoluments received by each of them; and whether there is any improper accumulation of public offices in any one person, other than those provided for by the Bill for securing the dignity and independence of the Councils and judiciary, passed in a former session of the Provincial Parliament;* and also whether any reduction can be made in, or any regulation established with regard to the said salaries, fees and emoluments, or the mode of conducting the public business, by which the public good can be advanced." Upon the first Report of this Committee, the following resolutions were passed by the House:

"That the cumulation of the offices of Executive Councillor and Judge of the Court of Appeals, of Law Clerk of the Legislative Council, of Auditor of Land Patents, and of Commissioner of the Court of Escheats, in the same person, is contrary to the public good and incompatible with the due and efficient performance of the duties of the said offices; that neither of the offices of Law Clerk of the Legislative Council, or of Commissioner of the Court of Escheats, ought to be held by an Executive Councillor; and that both of them ought not to be held by one and the same person.†

* Which however had been lost.

† Hon. A. W. Cochran.

"That the cumulation of the offices of Grand Voyer of the District of Quebec, and of Provincial Aid-de-Camp, in the same person, is contrary to the public good, and incompatible with the due and efficient performance of the duties of the said offices ; and that each of the said offices ought to be held by a separate person.*

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"That the cumulation of the offices of Assistant Civil Secretary, and of Assistant in the Crown Land Office, in the same person, is contrary to the public good, and incompatible with the due and efficient performance of the duties of the said offices ; and that each of the said offices ought to be held by a separate person.†

"That the cumulation of the offices of Executive Councillor, being a Member of the Court of Appeals, of Commissioner of the Jesuit's Estates, and of Master of the Trinity House at Quebec, in the same person, is contrary to the public good, and incompatible with the due and efficient performance of the duties of the said offices ; and that each of the said offices ought to be held by a separate person.‡

"That the cumulation of the offices of Coroner of the District of Three Rivers, and of Clerk of the Peace for the same District, in the same person, is contrary to the public good, and incompatible with the due and efficient performance of the duties of the said offices ; and that each of the said offices ought to be held by a separate person.§

"That the cumulation of the offices of Executive Councillor, being a Judge of the Court of Appeals, and of Grand Voyer for the District of Three Rivers, in the same person, is contrary to the public good, and incompatible with the due and efficient perform-

* E. R. Antrobus, Esquire.

† J. Davidson, Esquire.

‡ Hon. John Stewart.

§ David Chisholm, Esquire.

Chap. anee of the duties of the said offices ; and that **each**
 xxxvi. of the said offices ought to be held by a separate
 1836. person.*

“That an humble Address be presented to His Excellency the Governor in Chief, accompanied by a copy of the preceding resolutions, and of the Report of a Special Committee of the House, on which they are founded ; humbly praying His Excellency to be pleased to give effect to the opinions therein expressed, and to remove a grievance long and earnestly complained of by all classes of His Majesty’s subjects in this Province, by causing each of the persons in whom the cumulation of offices mentioned in the said resolutions and Report exists, to make his election of one of the offices he may so hold, and removing him from the rest ; and also by conferring the offices thereby rendered vacant on separate persons, so as to ensure the due and efficient performance of the duties thereof.

To the Address of the Assembly he answered,—

“I will not fail to carry into execution the directions of His Majesty, as announced in my Speech at the opening of the Session, with reference to persons holding incompatible or incongruous appointments. And I further request you to assure the House, that in nominating to vacant offices I shall not lose sight of their wishes, which are in strict accordance with my own views on the subject.”

Another Committee had been named “to inquire into the present condition of the Post Office Department, with the view to the application of an efficient remedy to the defects in its organisation and management.” Upon a Report of this Committee, it was resolved, “that an humble Address be presented to His Excellency the Governor in Chief, praying His Excellency to direct the proper officer to adopt legal measures to oblige Thomas Allen Stayner,

* Hon. H. Heney.

Esquire, Deputy Post Master General, to reimburse a certain sum of nine thousand five hundred and fifty pounds five shillings and two pence currency, which the said Thomas Allen Stayner has received since his appointment to his present office, for the transmission of Newspapers and other printed Papers and Pamphlets by mail; and which sum the said Thomas Allen Stayner, without authority of law, appropriated to his own private use and benefit.*

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*“ Sufficient data have, however, been obtained to convince them that the Post Office Department in the Canadas has been a source of revenue to Great Britain, large sums having been annually remitted by the Deputy Post Master General to the General Post Office, London. For the thirteen years ending in 1834 inclusive, the enormous sum of £91,685 8s. 8d., sterling, has been transmitted to England by the Post Office of this Province; the average remittance of the last four years being £10,041 13s. 4d., sterling, per annum.

“ The Deputy Post Master General would pretend that the large sums of the public revenue, which he thus disposes of to his own personal advantage, are a *quantum meruit* which he receives from the printers for certain services which he renders them. But Your Committee would respectfully submit, that this reasoning is perfectly fallacious, since it is not the Deputy Post Master General but the Province which defrays the expenses of transporting and carrying the said newspapers, and of receiving and delivering them at the Post Offices. The monies paid to contractors for carrying the mails, and the salaries and remuneration of the respective Postmasters, and their Assistants and Clerks, are, with the exception of a certain per centage on the amount of newspaper postage collected, paid from the gross receipts from letter postage.

“ The Deputy Post Master General contributes none of the expenses for the transport of the Mails, nor of the salaries to the Post Masters or their Assistants. The public revenue is therefore taxed for his private advantage; a fact which is established beyond a doubt by the evidence of the contractor who forwards the Mails between Quebec and Montreal, who admits that the Province is charged an extra sum of £200 a year, for the transport of newspapers on this route alone.

“ The amount which the Deputy Postmaster General acknowledges to have received from this source for the last three years, was as follows:—

1832.	1833.	1834.
£1841 9 10	£2003 17 0	£1863 1 1

“ Under all these circumstances Your Committee consider that the Deputy Postmaster General had no right to appropriate to his own private advantage the sums received for the transmission of

Chap. The observations below appeared in the Report
xxvi. upon which the Address was voted.

1836. The Messengers presenting the Address received
the answer following :—

“Gentlemen,—I have taken into my serious consideration this Address, which prays that I would direct the adoption of legal measures to oblige Mr. Stayner, Deputy Post Master General, to reimburse the sum of nine thousand five hundred and fifty pounds five shillings and two pence, which, since his appointment he has received, and without legal authority appropriated to his own use for transmission of Newspapers and other printed Papers and Pamphlets by Mail ; and I find from such information as I have been enabled to collect, that the Deputy Post Master General receives his Commission not from any local authority, but, under an Imperial Act, from the Post Master General in the United Kingdom,—that from that source all regulations for the management of his Department emanate,—and that the net revenue derived by means of the Provincial Post Office is transmitted to, and forms part of the Revenues of the Parent State. I also find that the proprietors of News, and other printed Papers, are not obliged by any legal provision, as in the case of Letters, to use the Post Office as a mode of conveyance for the circulation of their Papers ; but I am advised that under the Imperial Act which establishes the rates of

newspapers and other printed papers by mail in these Provinces, and respectfully suggest that legal means be taken to oblige that officer to reimburse the said sum of £9550 5s. 2d. currency, which he has exacted and appropriated to his own use ; the said sum, when recovered, to be divided in a proper proportion between Upper and Lower Canada ; that he be obliged for the future to abstain from such practices ; and to pay into the general fund the net sum which shall be received from newspaper printers, and for the transmission of newspapers per post, after deducting the Postmaster's per centage, which general fund ought to be expended, after the necessary expenses are paid, in extending Post Office accommodation in these Provinces, instead of being remitted to England, as is now the case.”

Postage, if News and other printed Papers are sent by Mail, the Post Master might legally demand on them the same rate of Postage as on Letters. This, however, from liberal views towards the public, has not been the practice; but the Deputy Post Master General of British North America have, from the earliest period, been allowed, as a privilege and perquisite attached to the Office, to make, for their own benefit, such arrangements with the different Newspaper proprietors as they could mutually agree upon with respect to the charge for transmitting Newspapers through the Post Office.

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Under these arrangements the charge, I understand, is quite trifling compared to what might legally be demanded for the benefit of the Imperial Revenue; and as the privilege has recently been expressly recognized and sanctioned by His Grace the Duke of Richmond, while Post Master General, upon a complaint formally made to him on the subject by a proprietor of one of the Provincial Newspapers, I feel that I could not with propriety comply with the prayer of this Address. I will, however, communicate with His Majesty's Government, and suggest the expediency of their taking into early consideration the existing arrangements on this head."*

* The view here taken of the subject by the Governor seems by no means sound. Although the Deputy Post Master General did not hold his Commission from any local authority, but under an Imperial Act, and from the Post Master General of the United Kingdom, still the monies he was receiving under the Act were levied upon the people of Canada. He was in the receipt of a large salary, paid out of those monies, for the duties performed by him, and although the publishers or proprietors of Newspapers were not obliged by any legal provisions, as in the case of Letters, to use the Post Office as a conveyance for the circulation of their Papers, this really could be no just reason, while they thought proper to do so, as the quickest and cheapest mode they could adopt for the circulation of their Papers, for allowing the Deputy Post Master General to make this a "privilege and a perquisite" appertaining to his office, and to permit him to make, for his own benefit, such arrangements with the different Newspaper proprietors as they could mutually agree upon," while the public mails, of

Chap. This inquiry into the condition of the Post Office
 xxxvi. was, as recommended by the Committee, to have been
 resumed at the next session, "with a view to the
 1836. application of an efficient remedy to the defects in
 its organization and management."

The defalcation of the late Receiver General, Mr. Caldwell, had hitherto remained unsettled, that gentleman still retaining the possession of extensive property belonging to him, which if disposed of at its proper value might, it was supposed, suffice to discharge the judgment against him in favour of the government. A Committee was appointed "to inquire into the present state of the affairs relating to the defalcations of the late Receiver General, John Caldwell, with an instruction to consider what measures ought to be adopted by this House, in order to secure the rights of the Province." The Seigniorship of Lauzon, belonging to Mr. Caldwell, it is to be observed, was at this time under publication for sale by the Sheriff, at suit of the Crown in satisfaction of the judgment it held against him. The Committee reported as their opinion, "that a sale of the kind could not be otherwise than prejudicial to the interests of the Province, on account of the small number of capitalists who could or would invest in the said property a sufficient sum of money to pay anything

which these Papers made part, were conveyed at the public expense. Whatever the "practice" may have been "from the earliest period," there was far less of liberal views towards the public than towards the officer receiving a fixed salary of £500 sterling, a year, and whose post, every thing considered, was far more profitable, by means of that practice, than that even of the Governor in Chief. The above, it ought, however, to be observed, is not intended as derogatory in the least to Mr. Stayner, who, although deemed to be for many years an overpaid, is also universally acknowledged to have been a zealous, indefatigable, and most efficient public functionary, under whose able supervision the postal communications during the period of his services, (upwards of twenty-five years), were remarkably facilitated and increased, so as to keep pace with the commercial and other developments in the progress and improvement of the country.

near the amount due to the Province by the said John Caldwell, Esquire." "It is with the greatest regret," they observed, "that your Committee perceive the innumerable difficulties which must arise in a question of that importance, and which might be removed if the House were disposed to listen favorably to certain proposals made to the Committee on the part of Mr. Caldwell." They stated that he was disposed to give up, and even requested the House to accept in payment of the balance due from him to the Province, the Seigniorship of Lauzon, which he was ready to make over, provided a full discharge were given him, and the Committee gave it as their opinion, "that for the sake of cutting short a great number of litigious difficulties, and of avoiding the enormous expenses which always attend a Sheriff's sale, and the great sacrifice which such a sale would cost the Province, it would be expedient to listen favorably to the proposals made by the said John Caldwell, Esquire."

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The House in Committee of the Whole having taken the matter into consideration passed, the following resolutions:—

"Resolved, that it would be advantageous for the Province to acquire the property of the Seigniorship of Lauzon, when the same is sold by the Sheriff, in case no biddings should be offered to an amount approaching its real value.

"Resolved, that it is expedient to appoint one or more Commissioners to become the purchasers of the said Seigniorship of Lauzon, for and on behalf of the Province, at such sale, which Commissioners shall use their discretion with respect to the amount of the bidding, and shall administer the affairs of the said Seigniorship until the Session of the Parliament next immediately after the purchase, by causing figurative plans to be made of the different subdivisions which might be made for the purpose of effect-

Chap. ing a sale of the said Seigniori in different portions,
xxxvi. if it should be deemed necessary to sell the same,
1836. and shall report to this House within the first fifteen
days of the aforesaid Session.

"Resolved, that the Governor, Lieutenant Governor, or person administering the Government of this Province, be authorized to issue his Warrant for a sum, not exceeding five hundred pounds currency, to be taken out of the unappropriated monies of this Province, to meet the necessary expenses occasioned by the said purchase, and the making of the said Plans.

"Resolved, that if the said Seigniori should be purchased by the said Commissioners, the Sheriff of the District of Quebec shall not be entitled to any Commission or poundage on the price for which the same shall be sold."

A Bill in conformity with these was introduced and passed, intituled, "A Bill for the appointment of Commissioners to bid at the sale of the Seigniori of Lauzon, by the Sheriff, and for other purposes therein mentioned," but which was lost in the Legislative Council. The sale of Lauzon did not take place, however, at the time then published, nor until several years after, when, as already mentioned, it was purchased by the government, and is at the present time public property.

The consideration of the Canada Tenures Act, passed by the Imperial Parliament, was again resumed this session, and resolutions being passed, pointing out some of the inconveniences and injustice to the inhabitants of the Province resulting from it, prejudicial to the rights of the public in Seigniorial lands in Lower Canada,* a Bill was introduced by

* "Resolved, That by the laws of Canada, guaranteed to the inhabitants of this Province by the Capitulations of 1760, the Act of the British Parliament of the 14th Geo. III., cap. 83, and the Constitutional Act of the 31st Geo. III., cap. 31, they had a right to grants of sufficient portions of wild lands held from the Crown

Mr. Morin, "to repeal so much of the two certain Acts therein mentioned, made and passed in the Parliament of the United Kingdom of Great Britain and Ireland, as authorizes the commutation of the tenure of lands held *à titre de fief* and *à titre de cens* in this Province, into the tenure of free and common soccage." The Bill passed, and was sent to the Legislative Council, where it was rejected. But a Bill still more extraordinary was also about the same time (near the end of the session) introduced. It was resolved, on the 29th February, that the House would, on the morrow, resolve itself into a Committee of the Whole, "to consider whether it be expedient to amend a certain Act passed in the Parliament of the Kingdom of Great Britain, in the thirty-first year of the Reign of His late Majesty George the Third, chap. 31, commonly called the 'Constitutional Act,' by repealing certain parts of the provisions thereof which relate to the constitution and formation of the Legislative Council of this Province, and by substituting other provisions in the place thereof, with the view of better ensuring the efficiency of the Provin-

à titre de fief, subject to the customary dues, and on condition of cultivation and residence.

"Resolved, That the commutation of these lands into the tenure of free and common soccage under the Act passed in the Parliament of the United Kingdom, in the sixth year of the Reign of His late Majesty George the Fourth, cap. 59, deprives them of this right, and vests the said lands in the Seignior to dispose of them on such terms and conditions as he thinks fit, at the same time subjecting those who may settle thereon to laws with which the great majority of the people of this Province are unacquainted, utterly unsuitable to their circumstances and repugnant to their feelings and usages.

"Resolved, That the provisions of the said law for the said commutation, are unjust and contrary to the established rights of the inhabitants of the Province, to the extension of settlement, and to the general prosperity.

"Resolved, That it is expedient to repeal so much of the Acts passed in the Parliament of the United Kingdom of the 3rd Geo. IV., cap. 119, and 6th Geo. IV., cap. 59, as provides for the commutation of lands held *à titre de fief* and *à titre de cens* in this Province, to be held in free and common soccage subject to the laws of England."

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Chap. cial government to provide for the peace, welfare
xxxvi. and good government of this Province."

18 36.

The Assembly accordingly went into Committee, and, on the 3rd of March, reported the following as the result of their deliberations:—

"Resolved that it is expedient to amend a certain Act passed in the Parliament of the Kingdom of Great Britain, in the thirty first year of the Reign of His late Majesty George the Third, chapter 31, commonly called the 'Constitutional Act,' by repealing certain parts of the provisions thereof, which relate to the constitution and formation of the Legislative Council of this Province, and by substituting other provisions in the place thereof with the view of better ensuring the efficiency of the Provincial government to provide for the peace, welfare and good government of this Province."

A bill accordingly was introduced by Mr. Morin, "to amend so much of the Act of the thirty-first George the Third, chapter 31, as relates to the constitution and formation of the Legislative Council of this Province, and to substitute other provisions in the place thereof." It was intended by the bill to make the Legislative Council an elective body, but it did not pass the second reading, being postponed from time to time by the introducer (Mr. Morin), until overtaken by the prorogation.

These two bills were at the time much criticised on account of their interfering with Imperial Acts, which they professed to alter and amend, a matter, as all the world perfectly knew, and none better than the movers of those bills, beyond the power of the Provincial Parliament to effect, whose absurdity, in attempting to repeal the very Act under which it held its existence, was therefore scouted. There was, however, nothing absurd nor irrational in the steps taken, being merely for the purpose, as there is reason to believe, of shewing in precise terms to the

Home government, the alterations and amendments which, in the view of the Assembly, it was desirable should be made by the Imperial Parliament to those Acts. Chap. XXXVI.
1836.

The thanks of the Assembly were voted "to the Hon. D. B. Viger, for his services as the late Agent of this Province, and for the zeal, patriotism, assiduity and talent displayed by him in acquitting himself of his mission, and supporting the divers claims entrusted to his care, and more especially the petitions of this House to both Houses of the Imperial Parliament, complaining of the numerous grievances and serious abuses set forth in the resolutions adopted by this House on the twenty-first February, 1834."

The like were also voted to Augustin Norbert Morin, Esq., a member of the House for the County of Bellechasse, for the distinguished services, and for the zeal, patriotism, assiduity and talent he had displayed in supporting the aforesaid petitions of the House to both Houses of the Imperial Parliament.

Lord Gosford, it seemed, promised himself, at the opening of the parliamentary campaign, signal success. It however ended, as all but himself anticipated, in his disappointment, by leaving matters in a more unpromising state than ever. He prorogued the Parliament on the 21st March, with strong expressions of regret at the failure of his mission.

"Gentlemen of the House of Assembly,

"It is to me matter of sincere regret, that the offers of peace and conciliation, of which I was the bearer to this country, have not led to the result which I had hoped for. The consequences of their rejection, and of the demands which have been made to His Majesty, I will not venture to predict.

"In the speech with which I opened the Session, I announced, that should you consent to discharge the arrears due to the public officers, and provide for their maintenance, pending the enquiries which His

Chap. Majesty had commanded to be made in the Province,
 xxxvi. no part of the surplus revenue of the Crown should
 1836. be touched during those enquiries without your assent.

As no provision has been made for the purposes contemplated in that proposal, I shall be under the necessity of applying the revenues at the disposal of the Crown, as far as they will extend, to the payment of the public servants, and towards the current expenses of the Civil government. What further measures must be adopted for the removal of the difficulties to which the affairs of the Province are reduced, the authorities in England must determine.

"Gentlemen of the Legislative Council,

"Gentlemen of the House of Assembly,

"Of the fifty-nine Bills that have passed both Houses during the session, I have given the Royal Assent to all, save one, namely, the Bill for establishing a Railroad between the River Saint Lawrence and the Province line. As this Bill affects the King's prerogative in the disposal of the waste lands of the Crown, the 42nd clause of the Constitutional Act makes it necessary that I should reserve it for the signification of His Majesty's pleasure; and it is probable that the omission of the formalities required by that clause, will be altogether fatal to the measure.

"I shall continue to do all in my power for the advancement of the public good, and the furtherance of that paternal policy which has been enjoined upon me by our Most Gracious Sovereign; and you, Gentlemen, will, I doubt not, each in his individual capacity, labor to preserve the peace, and to promote the real interests of the community."

This was the last of constitutional legislation in Lower Canada, for, although the Provincial Parliament met, subsequently, twice previous to the suspension of the constitution, no Acts whatever were passed, the Assembly abdicating, as will be seen, their functions, until changes should, at their dictation, be

made in the constitution of the Province, which the British government and Imperial Parliament deemed incompatible with the British constitution, and therefore inadmissible. Chap
xxx vi.
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The following despatch from Lord Gosford, on the result of the session, will be found interesting:—

“CASTLE OF ST. LEWIS,

“Quebec, 12th March, 1836.

“MY LORD,—It becomes my duty to inform your Lordship that the Provincial Executive has again, for the fourth year, been left destitute of the usual legal provision necessary for carrying on the Civil government, and paying the large arrears now due for past services; and thus, at the end of a session of more than ordinary length, a satisfactory adjustment of the financial difficulties of the colony appears to be as distant and more hopeless than ever. I shall in this despatch, while giving your Lordship an outline of the proceedings of the two Houses on this subject, briefly touch upon what I conceive to have been the cause and reasons that led to this disastrous result.

“On the 9th of November last, the accounts shewing the arrears due for salaries to the public officers, and for the other ordinary expenditure of the Government, including the advance made from the Military Chest, was transmitted to the Assembly with a message inviting their immediate attention to the subject. These were at once referred to the Standing Committee on Public Accounts, as were also the estimates of the current year, transmitted in like manner on the 20th of the same month. But nothing further in the matter appears upon the proceedings of the House until the 5th of January, when the Committee presented their third Report. The subsequent steps of the Assembly up to the 12th of February, having already been detailed to your Lordship, need not be here repeated. On the 20th the House went into

Chap. Committee on the several Reports on Public Accounts,
 xxxvi. on the state of the Province, and on the published
 1836. extracts from the instructions to the Canada Com-
 missioners. These questions formed the subject of
 prolonged debates until the 26th, when the Com-
 mittee reported an Address to the King (forwarded
 by this opportunity, with a separate despatch,) and
 two resolutions, a copy of which is herewith trans-
 mitted. In these resolutions, the Assembly, entirely
 passing by the question of arrears, determined to
 vote supplies for six months only, from the 15th
 January to the 15th July next, and to abstain, under
 existing circumstances, from specifying in the Supply
 Bill the particular funds appropriated; under a pro-
 test, however, that this course should not in future
 be invoked as a precedent in opposition to the reso-
 lutions of the House of the 16th of March, 1833, and
 21st February, 1834. The question of concurrence
 being put on the resolutions, Mr. Vanfelson moved
 an amendment, a copy of which is enclosed, to the
 effect that it would be expedient to vote as well the
 arrears due, as the supplies required to meet the
 expenses of the current year. This motion was ob-
 jected to by the Speaker as unparliamentary, be-
 cause it was not offered in the shape of a motion,
 proposing some subject for deliberation and decision
 but in the shape of a protest, tending to censure a
 decision of a Committee of the whole House, and
 further, because in matters of supply, when the de-
 cision of a Committee of the Whole has been in favor
 of a smaller sum, or a shorter period of time, it is not
 afterwards allowable to make any motion in the
 House tending to grant a larger sum, or to extend
 the period.

“An appeal was made to the House from this
 decision, but it was supported on a division of 40 to
 27. The resolutions were then passed, and on the
 29th a bill was introduced in accordance with their

principles, passed on the 3rd instant, sent up to the Legislative Council on the 5th, and, after a first and second reading, lost on the 9th in a committee of that body, by the committee rising without reporting.

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"I expressed to your Lordship my conviction, before the result was known, that the partial publication in Upper Canada of the instructions to the Canada Commissioners was likely to prove a serious obstacle to the successful arrangement of the financial difficulties of the Province; this conviction, I regret to say, has been more than realized; and I can only repeat my belief, that but for that publication the arrears and full supplies would have been granted. As it is, the House of Assembly have assumed a new position, and, not complaining of the existing local administration, have made the granting of the arrears dependent on a full compliance with all the demands contained in their Address to His Majesty.

"In passing a Bill of Supply for six months only, it would seem that they wished to affix a limit of less than three months to the period within which His Majesty, to entitle the Executive to a further supply, must favourably decide on demands involving fundamental changes in the constitution, and the consideration of questions of a most grave and complicated description.

"On examination of the lost Bill, I perceive that the Assembly did not, as in 1833, attach any condition to objectionable items, but adopted another plan for effecting their wishes for the abolition of pluralities. Where any officer held two situations, the salary of one only was voted, and the other entirely omitted, thus avoiding one of the objections made to the Bill of 1833. In other respects, however, they appear to have adopted that bill as their guide in framing the one for the present year, omitting and reducing the same items in both. Among the prin-

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1836. cival omissions not founded on the objection to pluralities are the postage account of the Civil Secretary's office, the salaries of all the Executive Councillors, of their assistant Clerk, of Mr. Justice Gale, and of one of the Provincial Aides de Camp. But to bring the whole matter under your Lordship's view, I enclose a comparative statement of the estimates and votes for 1833 and those for 1836, and a list of the different items omitted, and of those reduced in the last Bill.

"It was, I understand, chiefly in consequence of these omissions that the Legislative Council declined to proceed with the Bill.

"It may not be irrelevant here to inform your Lordship that the public chest will contain, on the 1st of May next, about £130,000 sterling. This sum includes upwards of £45,000 sterling, arising from the Crown revenues, which, as the Assembly have not accepted the offer, conditionally made to them in my opening speech, by providing for the payment of the arrears and maintenance of the public servants pending the enquiry under the Royal Commission, may now be considered as at the unfettered disposal of the Crown. On the other hand, the liabilities of the Government at that date on account of the arrears and current expenses, exclusive of the contingencies of the two Houses of Parliament, and of the sums payable under the authority of Local Acts passed and about to be passed, will amount to about £142,000 sterling, including the £31,000 advanced from the Military Chest in 1834, thus shewing a deficit of about £12,000. But it must be observed that the chief part of the revenue is collected from the customs duties, which flow in only during the summer months, whilst the expenditure continues equal throughout the year, so that, although the amount at present in the chest would have been insufficient to liquidate the demands against it, had the Legislature sanctioned

such a measure, yet it by no means follows that at the end of the financial year in October next, the public treasury will be unequal to the liabilities to which it may be then subject. Chap. xxxvi.
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“I have, &c.,

(Signed,)

“GOSFORD.”

The following interesting synopsis, prepared by Jacques Viger, Esquire, of Montreal, a gentleman well known in the literary world, exhibits in a very clear and compendious form, the numbers represented by the several Members of the Assembly who voted for, as well as those who voted against the ninety-two resolutions, and the collective numbers on either side. Mr. Viger makes the number represented by the resolutions to be considerably more than three times that of the opposing Members, and there can, I apprehend, be no doubt that he is within the mark. It will be observed that in the case where the two Representatives of any County or City (the County of Laprairie, for instance, or the City of Quebec) were divided in their votes, Mr. Viger assigns to each an equal portion, or one-half of their constituency. Now it is notorious that the ninety-two resolutions were approved of and popular among, it is not too much to say, nine-tenths of the Canadian population of French origin.

RESOLUTIONS on the State of the Province, voted the 19th, 20th and 21st February, 1834; Petitions pursuant to same, 21st March.

COUNTIES.	REPRESENTATIVES.	VOTED.		Population of the County in 1831.	DISTRIBUTION OF POPULATION ACCORDING TO THE VOTES.		Population that did not vote according to the Representatives.	REMARKS.
		For.	Against.		For.	Against.		
Bonaventure.....	Thibautau.....	.....	.....	8317	.....	.....	8317	Absent from Quebec—sick. Absent from the House, but in Quebec.
Gaspé.....	Hamilton.....	.....	.....	5016	.....	5016	.....	
Rimouski.....	Power.....	.....	1	10061	10061	.....	.....	
Kamouraska.....	LeBoutillier.....	.....	1	14562	7241	7281	.....	
L'Islet.....	Bertrand.....	1	.....	13523	13523	.....	.....	
Bellechasse.....	Rivard.....	1	.....	13532	13532	.....	.....	
Dorchester.....	Dionne.....	1	.....	11946	5973	5973	.....	
Beauce.....	Casgrain.....	.....	1	11900	11900	.....	.....	
Megantic.....	Fortin.....	.....	.....	2284	.....	2284	.....	
	Letourneau.....	.....	.....					
	Boissonault.....	.....	.....					
	Morin.....	.....	.....					
	Caldwell.....	.....	1					
	Bouffard.....	.....	.....					
	Taschereau.....	.....	.....					
	Taschereau.....	.....	.....					
	Anderson.....	.....	1					

Beauce.....	11900	11900	3973	3973
Mégantic.....	2284	2284	2284	2284

Lothbinière	Méthot	1	9195	9195	4752	Absent from the House, but in Quebec.
Nicolet	Noel	1	9195	9195	4752	Absent from the House, but in Quebec.
Yanaska	Bourdages	1	12524	12524	4752	Absent from the House, but in Quebec.
Drummond	Proulx	1	9504	9504	4752	Absent from the House, but in Quebec.
Sherbrooke	Budeaux	1	3589	3589	4752	Absent from the House, but in Quebec.
Stanstead	DeTonnancour	1	7123	7123	4752	Absent from the House, but in Quebec.
Missisquoi	Toomey	1	10364	10364	4752	Absent from the House, but in Quebec.
Sheffield	Goodhue	1	8817	8817	4752	Absent from the House, but in Quebec.
Richelieu.....	Guy	1	5093	5093	4752	Absent from the House, but in Quebec.
Borough St. Henry.....	Peck	1	15203	15203	4752	Absent from the House, but in Quebec.
St. Hyacinthe	Child	1	1063	1063	4752	Absent from the House, but in Quebec.
Rouville.....	Taylor	1	15288	15288	4752	Absent from the House, but in Quebec.
Verchères.....	Baker	1	18146	18146	4752	Absent from the House, but in Quebec.
Chambly.....	Knowlton	1	12336	12336	4752	Absent from the House, but in Quebec.
Laprairie	Wood	1	15493	15493	4752	Absent from the House, but in Quebec.
L'Acadie.....	Dorion	1	18538	18538	4752	Absent from the House, but in Quebec.
	DeBleury	1	11439	11439	4752	Absent from the House, but in Quebec.
	Wurttele	1	1063	1063	4752	Absent from the House, but in Quebec.
	Blanchard	1	15288	15288	4752	Absent from the House, but in Quebec.
	Poulin	1	18146	18146	4752	Absent from the House, but in Quebec.
	Lenay	1	12336	12336	4752	Absent from the House, but in Quebec.
	Carreau	1	15493	15493	4752	Absent from the House, but in Quebec.
	Amiot	1	18538	18538	4752	Absent from the House, but in Quebec.
	Drolet	1	11439	11439	4752	Absent from the House, but in Quebec.
	Quesnel	1	1063	1063	4752	Absent from the House, but in Quebec.
	Viger	1	15288	15288	4752	Absent from the House, but in Quebec.
	Cuvillier	1	18146	18146	4752	Absent from the House, but in Quebec.
	Raymond	1	12336	12336	4752	Absent from the House, but in Quebec.
	Hoyle	1	15493	15493	4752	Absent from the House, but in Quebec.
	Laugedoc	1	18538	18538	4752	Absent from the House, but in Quebec.

RESOLUTIONS on the State of the Province, &c.—(Continued.)

COUNTIES.	REPRESENTATIVES.	VOTED.		Population of the County in 1881.	DISTRIBUTION OF POPULATION ACCORDING TO THE VOTES.		Population that did not vote according to the Representatives.	REMARKS.
		For.	Against.		For.	Against.		
Beauharnois	Archambault	1	1	16900	16900	.....	.....	
	De Witt	1	1					
Vaudreuil	Masson	1	1	13156	13156	.....	.....	
	Roebrune	1	1					
Ottawa	Wright	1	1	4786	.....	4786	.....	
	Davis	1	1					
Lake of Two Moun- tains	Scott	1	1	20923	20923	.....	.....	
	Girouard	1	1					
Terrebonne	Turgeon	1	1	16647	16647	.....	.....	
	Lafontaine	1	1					
Lachenaie	Courteau	1	1	9500	9500	.....	.....	
	Rochon	1	1					
L'Assomption	Deschamps	1	1	12820	12820	.....	.....	
	Rodier	1	1					
Berthier	Deligny	1	1	20287	20287	.....	.....	
	Morisseau	1	1					
County of Montreal.	Valois	1	1	16501	8250½	.....	8250½	Vacancy by vote relating to Mr. Mondelot's Seat.

City of Montreal, { Berthelet

East Ward

L'Assomption.....	1	12820	12820	20287	20287	8250½	8250½
Berthier	1	20287	20287	16501	16501		
County of Montreal.....	1	16501	16501				

Vacancy by vote relating to Mr.
Mondelst's Seat.

City of Montreal,	Berthelet.....	1	12508	6254	6254	.....	.....
East Ward	Leslie	1	14920	7460	7460	.....	7460
City of Montreal,	Papineau.....	1	13842	13842	13842	.....	.....
West Ward	Bureau	1	3116	1558	1558	.....	.....
St. Maurice	Guillet	1	6994	6994	6994	.....	1558
Town of 3 Rivers...	Kimber	1	12354	12354	12354	.....	.....
Champlain	Desfossés	1	8924	4462	4462	.....	.....
Portneuf	Trudel	1	13018	13018	13018	.....	.....
County of Quebec ..	Larue	1	14243	7120½	7120½	.....	.....
Quebec, Upper Town	Huot	1	8385	8385	8385	.....	.....
Quebec, Lower Town	Neilson	1	4351	4351	4351	.....	.....
Saguenay	Besserer	1	3743	3743	3743	.....	.....
Orleans	Stuart	1				.....	.....
Montmorency	Duval	1				.....	.....
	Young	1				.....	.....
	Vanfelson	1				.....	.....
	Simon	1				.....	.....
	Tessier	1				.....	.....
	Cazeau	1				.....	.....
	Godebout	1				.....	.....
	B dard	1				.....	.....
Total.....		56	512882	361534½	115828	35519	

In the Chair 21st, but voted for
them in Committee the 19th
and 20th February.
Vacancy by the death of Dr.
Tracey.

Absent from Quebec,—Skt.

NOTES.

Members absent from Quebec—excuse, Messrs. Thibaudau, Peck and Desfossés.....	3
Seats vacant (West Ward and County of Montreal)	2
Members present at Quebec when the Resolutions were voted.....	83
Total of the Representation.....	88

240

Of the Members present at Quebec, there voted for the Resolutions.....	56
Against them	24
In the Chair (then Speaker, who in Committee voted for them).....	1
Absent from their Seats, but in town, Messrs Badeau and Hamilton.....	2
Total.....	83

81 in the House

According to the foregoing distribution—

	Population.	Population.	Population.
23 Counties entire voted for the Resolutions.	277,510	44,558	8,317
7 Counties entire voted against them .....	.....	.....	.....
1 County entire did not vote	43,814½	43,814½	.....
6 Counties voted, half for, half against. ....	.....	.....	.....
2 Counties, although their Representatives were in Quebec, only voted by halves for the Resolutions, in consequence of the absence of one of the Representatives of each County	9,934	.....	9,934
1 County (Montreal) having but one Representative elect and present in the Assembly, (the seat of the other being vacated by Resolution of the House) only voted for half the population	8,250½	.....	8,250½
1 Borough (William Henry) voted against the Resolutions .....	.....	1,063	.....
1 Borough (Three Rivers) owing to the absence of one of the Representatives voted but by half for the Resolutions	1,558	.....	1,558
1 City (Quebec) voted ½ for and ½ against	7,120½	20,148½	.....
1 City (Montreal) voted ½ for, ½ against, and, owing to the vacancy of the seat of one of the Representatives, did not vote for the other ½	13,714	6,254	7,460
	361,541½ for.	115,838 against.	35,519½ not voting.

40 Counties. 7

3 B.

Population who, according to the above, have voted:—For, 361,541½; Against, 115,838.

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It also seems according to the same, that 35,519½ have not voted. They consist of part of Counties and other places considered as not represented, owing to the absence of some of their Representatives from the Assembly when the division on the Resolutions took place. May it not be allowable to presume that the absentees would have voted as follows:

	For.	Against.
Brought forward.....	361,541½	115,838
Mr. Desfossés (Town of Three Rivers)	1,558	
Mr. Thibault (Zemaventure).....	4,158½	4,158½
Mr. Hamilton (Zemaventure)*.....		4,182
Mr. Peck (Stanstead)		4,752
Mr. Badaux (Yamaska)*		129,930½
	367,258	

How are the 8,250½ of the County of Montreal, and the 7,460 of the West Ward of the City of Montreal not represented in the Assembly, when the Resolutions were voted to be disposed of owing to the absence of Mr. Mondelet (excluded), and of Mr. Tracey (deceased)? May it not be reasonably supposed that Mr. Mondelet should have voted against, and Mr. Tracey for them? But it is not of those two gentlemen as of the above Representatives. Their seats were vacant; a new election could fill these seats with Members of entirely opposite politics to theirs. As it cannot absolutely be said by whom they might have been replaced, is it not more rational to maintain that in the particular case of a vacancy of one of the seats of a County or other constituency, the Member elect and voting in the House, represents of himself the County or constituency entire, and votes for the whole? Adopting this view, I shall carry the said two amounts, forming together 15,710½ to the votes in favor of the Resolutions, inasmuch as Messrs. Valois and Papiacan voted for them

15,710½

For.....

382,968½ Agst. 129,930½

Grand Total.. 512,899 of the Population in 1831
J. V.

QUEBEC, 21st February, 1834.

* They both in fact voted, on the 1st of March, against the Petitions to the King and Parliament, on the state of the Province.—J. V.

For..... 382,968½ Agst. 129,930½
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QUEBEC, 21st February, 1834.

* They both in fact voted, on the 1st of March, against the Petitions to the King and Parliament, on the state of the Province.—J. V.

CHAPTER XXXVII.

Annual Report of the General Committee of the Montreal Constitutional Association—Address by the Montreal Constitutional Association to the inhabitants of British America—Report of the Quebec Constitutional Association—Resolutions of the Executive Committee of the Constitutional Association of Montreal.—P. S. Jacques Viger, Esq. Chap. xxxvii. 1836

Having in the preceding chapter noticed the principal proceedings of the Assembly, it may not be amiss to bestow some attention to the doings of the outer world in counteraction of the policy and views of that body. The petition of a numerous portion of the inhabitants of Quebec, pursuant to certain resolutions adopted by "the Constitutional Association" of the C^y, to Lord Gosford, previous to the meeting of the Assembly, has been mentioned. There were meetings in various parts of the Province of branches of the Constitutional Associations of Quebec and Montreal, at which resolutions of a loyal character, and expressive of a determination to preserve the connexion happily subsisting between the Colony and Great Britain, were adopted, but as the proceedings of the great Central Associations in the two Cities express substantially the spirit of them all, and are highly valuable, in a statistical as well as political view, we shall confine our attention to these solely. We accordingly submit to the reader the able and interesting Reports and Addresses of those bodies precisely as they appeared in the public prints of the time.

Early in December, 1835, the "Annual Report of the General Committee of the Montreal Constitutional Association" made its appearance as follows:—

"The termination of the period for which the Executive Committee of the Constitutional Association was appointed, imposes on the General Committee the duty of addressing themselves to the entire body of their fellow-citizens who have rallied round the edifice of the Constitution.

Chap. "The Committee, at their first meeting on the 28th
 xxxvii. January, proceeded to elect, by ballot, an Executive
 1836. Committee, according to the Rules and Regulations of
 the Association; and has received from them the
 following detail of their proceedings:—

REPORT.

"On taking communication of the proceedings since the formation of the Association in January last, the Executive Committee now report:—That at the general meeting, held at the theatre on the 26th March last, the Chairman then reported to the Association the proceedings of that Committee up to that period, and it is therefore considered unnecessary here to repeat them.

"Mr. Walker, the agent appointed at the general meeting to proceed to England, with, and in support of the Petitions to the Imperial Parliament, was, without delay, furnished with copious documents, information and instruction, for his guidance on his mission; and early in April last, took his departure for England. An early opportunity was afforded both to him and the agent for the Quebec Association, by the Colonial Secretary, to make known to His Majesty's Government, the object and importance of their mission; and Mr. Gillespie, Chairman of the North American Colonial Association in London, was appointed by that body to unite with them in urging on the Government and Parliament, the claims and complaints of the inhabitants of Lower Canada, of British and Irish origin.

"The determination of His Majesty's Government having then been signified to the Agents, of sending to Canada a Commission to inquire into, and to report upon, the complaints and grievances of the adverse parties, they, the Agents, were informed that no legislative proceedings would be resorted to in the Imperial Parliament, in regard to Lower Canada, until that Commission had reported to His Majesty's

Government; but that up to the period of the departure of the Commission from London, the Colonial Secretary would be willing to receive from the Agents any communications they chose to make on the subject of their claims, and the complaints of their constituents; and that the Commissioners would be specially instructed to investigate, when in Canada, and receive testimony, in regard to all these.

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"On the 11th August, last, a communication was addressed to Mr. Walker, signifying that the Committee saw no necessity for his remaining in England on behalf of the Association, after the rising of Parliament, and from recent intelligence they have reason to think that he may be daily expected.

"The Commission already alluded to, it is well known, has now been in Canada about three months; and a letter has lately been addressed to the Secretary of the Commission, desiring to know when and in what manner the Commissioners will be disposed to receive testimony in support of the claims and complaints of this Association."

The following is a copy of the communication:—
"MONTREAL, Nov. 24, 1835.

"SIR,—I have the honor to enclose, and to beg you will lay before the Honorable Commissioners whom His Majesty has been pleased to appoint for the purpose of investigating certain grievances complained of in Lower Canada, a copy of the Petition of divers inhabitants of this Province, resident in the District of Montreal, which was transmitted to England by W. Walker, Esq., Agent of the Constitutional Association of Montreal, and presented to His Majesty and to the two Houses of the Imperial Parliament, during the past summer.

"With reference to that Petition, and to certain Resolutions adopted by the Executive Committee of the Association, which were laid before His Majesty's Secretary of State for the Colonial Department (and

Chap. of which I have the honor herewith to transmit a
 xxxvii. copy) I am directed by the Executive Committee to
 1838. state, that the Association have been informed by
 their Agent, that at an interview with which Mr.
 Walker was honoured by Lord Glenelg, on the 13th
 of June last, his Lordship was pleased to state, that
 all the points adverted to in the Resolutions of the
 Montreal Association would be embraced in the in-
 structions to the Commissioners whom His Majesty
 had been pleased to appoint.—Mr. Walker has fur-
 ther informed the Association, that at a subsequent
 interview with his Lordship, to which he was admitted
 on the 16th June last, Lord Glenelg repeated the as-
 surance previously given, that the various topics of
 complaint enumerated in these Resolutions should
 be noticed in the instructions to the Commissioners.

“I am now directed by the Executive Committee to
 enquire in what manner, and at what time, His
 Majesty’s Commissioners will be pleased to investi-
 gate the various complaints of the Petitioners.

“I have the honor to be, Sir,

“Your obedient servant,

“J. GUTHRIE SCOTT, Sec. C. A. M.

“Thomas Frederick Elliot, Esq.

“Sec. of the Royal Commission.”

To this letter no reply has been received by the
 Association.

(The Secretary intimated, however, that the fol-
 lowing had been received by this morning’s post:)

“QUEBEC, *December 5, 1835.*

“SIR,—I have had the honor to receive and lay be-
 fore the Commissioners your letter, dated 24th of
 November, inquiring at what time and in what man-
 ner they will be prepared to investigate the com-
 plaints in the Petitions addressed last year to His
 Majesty and both Houses of Parliament, by divers
 inhabitants of the District of Montreal; and I am to

acquaint you, in answer, that the Commissioners are at present engaged in consideration of the conditions which it may be proper to annex to the measure of giving up the Crown Reserves; and that, in connection with that subject, they have also before them the question of the independence of the Judges and the creation of a Court of Impeachment. If the Constitutional Association of Montreal wish to offer any information on these points, the Commissioners will be happy to see any person or persons whom they may depute for that purpose.

Clap.

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"In order, however, to enable the Association to decide whether it be desirable for them to send such a deputation at present, or to wait some future stage of the proceedings, I am desired to apprize you, that as soon as the Commissioners shall have despatched their Report on the matters above adverted to, it is probable that their next enquiries will relate to any improvements which may seem practicable in the system of managing the Crown Lands, and disposing of the Wild Lands and Forests;—that from thence they will proceed to the tenures of Land generally, and to the effect which the Seigniorial Tenure may produce upon the prosperity of the City of Montreal, as well as to the subjects of the Registry of Titles, and the future Incorporation of Land Companies. Finally, that the Constitution of the Executive and Legislative Councils, and the state of the Representation of the People, are questions which it will be necessary to approach. The scope of the Commission is not confined to the subjects which I have enumerated, although, under the instructions from His Majesty's Government, they are considered to have the first claim to attention.

"Having thus stated the course of inquiry contemplated by the Commissioners, I am to add, that during its progress, it is probable they will remove their sittings to Montreal; and as they propose to make their

Chap. Report on the appropriation of the Crown Reserves
 XXXVII. before Christmas, I am to request that you will favor
 1836. me with the earliest intimation you can conveniently
 afford, whether or not it is likely that any gentleman
 from Montreal will wish to attend before that Com-
 mission be despatched.

"I have the honor to be, Sir,

"Your obedient, humble servant,

"THOS. FREDK. ELLIOT.

"J. G. Scott, Esq., Montreal."

"The Executive Committee have been very desirous of organizing Ward Committees throughout the City and suburbs, the utility of which would be felt in the event of any emergency arising, requiring union and strength; but they fear that their wishes have been but partially and imperfectly carried into effect; and this Committee cannot refrain from recommending the immediate and general adoption of a system of organization.

"Petitions, respectably and numerous signed by the inhabitants of Montreal, have recently been transmitted, through the medium of the Executive Committee, and presented to the Provincial Parliament.

"First.—For the establishment of Registry Offices throughout the Province.

"Second.—For the abolishment of the Feudal Tenure throughout the Province.

"Third.—For the continuation of the improvement of the Harbour of Montreal.

"Fourth.—For the improvement of the Canal Navigation in this Province, on a scale to correspond with that going forward in Upper Canada.

"Measures have also been taken to procure an amendment of the Act for incorporating the City of Montreal.

"The Executive Committee cannot refrain from bringing under the notice of the Association the infraction lately committed on the Constitution of this Province, by the Executive branch thereof, in paying,

without authority of law, and for purposes tending to the total subversion of that Constitution, a large sum of money out of the Public Treasury. If one infraction of the law could justify another, they do not see why the payment of the duties by which the Public Treasury is filled should not be withheld to prevent the recurrence of such an act of spoliation.

"All which is, nevertheless, respectfully submitted.

"By order of the Executive Committee,

"W. ROBERTSON, Vice Chairman,

"J. GUTHRIE SCOTT, Secretary."

"Montreal, Nov., 1835."

"At a meeting of the General Committee, held on the 28th of November, the following resolutions were carried:—

"First.—That a Committee of three persons be appointed to audit the Treasurer's Accounts.

"Second.—That the present aspect of affairs in this Province demands a closer union of persons of British and Irish origin for the purpose of mutual defence and support; and that a Committee of seven persons be now named to alter and amend the Rules and Regulations of this Association, with the view of carrying into effect so important an object, and to report thereon at the next general meeting.

"Third.—That a Committee of five be appointed to draw up a Report of the General Committee, to be laid before the Association, and that it be an instruction to the said Committee to point out such objects as it may consider of importance to bring under the consideration of the Association.

"In conformity with the last clause of this resolution, the Committee have prepared, and respectfully submit to the consideration of the Association, the following observations:

"The Association cannot too frequently place before the public the principles and demands of the population of British and Irish descent, and contrast them

Chap. with the acts and the demands of the dominant
 xxxvii. party in the Assembly.

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“Constitutionalists demand ameliorations in the law, and changes in the institutions of the country, beneficial in their immediate effects, and valuable as elevating the condition of the French peasantry, and qualifying them for the exercise of the loftier duties of freemen.

“The effects of the French Canadian leaders, on the contrary, are limited to the preservation of their ancient institutions, and to a change in the Constitution which cannot reasonably be expected, so long as the existing form of Government of the British Empire shall be preserved.

“The French leaders have obtained, with the unreflecting, a character of liberality by their demand that the Legislative Council should be elected by the people, instead of being, as at present, appointed by the Crown; and the opposition of Constitutionalists to this change, has given rise to much misrepresentation of their principles.

Any expression of opinion in regard to the superior adaptation to the wants and interests of society of the republican form of Government, or that of a constitutional monarchy, is not required from the Committee. Both forms of government have their advocates; each can be sustained by powerful arguments derived from history and from reason. But the Committee believe that no educated man of unprejudiced mind, will hesitate to denounce the course pursued by the French Canadian leaders, who, under the specious guise of Reformers, ostensibly desirous of a Government more intimately connected with the will of the people, as really animated by zeal for the preservation of all those peculiarities which so unenviably distinguish this Province from all other inhabited portions of North America.

“The most ardent admirers of self-government will admit, that the qualification of a people for investiture with that important privilege, is a solemn consideration; and the Committee feel convinced they shall have no difficulty in repelling the charge which the duplicity of the French Canadian leaders induces them to reiterate, that the Association is ‘factiously and unjustifiably’ opposed to the introduction of the elective principle of Government in this Province. The Association numbers amid their ranks, many of the children of Republican America, who venerate the land of their birth, and are proud of her institutions. Enrolled in the Association is a large body of individuals who have a variety of forms, who, witnessing the effect of despotism to degrade, and of freedom to elevate and ennoble, willingly join in the declaration that the source of power is in the people. But, who compose the Association? Are they not mainly Scotchmen, Irishmen, Englishmen, Germans, and the descendants of those from the British Isles, who sought the enjoyment of civil and religious liberty in America? And needs there any declaration that a body so composed, can deem an intelligent people unfit to exercise the privilege of self-government; and yet that charge has been made, and is reiterated by the leaders of the French party, who have the hardihood to proclaim themselves the exclusive champions of free institutions within this Province!

“But whilst the Association record their conviction that the intelligence of a people is the guarantee for the proper use of the elective principle, they appeal to history, in particular to the progress of the Republics of South America, to the opinions of the most eminent and distinguished Republican writers, to bear them out in the assertion that, when a population is unlettered and unenlightened, to entrust them with the unrestricted use of political power

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Chap. would be, in fact, to retard the progress of rational
 xxxvii. freedom. To resist a state of things so repulsive to
 1836. the feelings of freemen, the Association have banded
 themselves together,—they have caused their declarations to be made known to the British people,—they have received assurances from the Imperial Government that justice shall be impartially administered; and notwithstanding that recent circumstances have violently shaken their faith in the commissioned organs of the Ministry, they repose quietly in the confidence, that, though deprived by an adverse majority, glorying in their foreign origin, of that power and influence which they ought to exercise, their dearest privileges, and feelings, and interests, will not be committed to the keeping of a population, which, however moral and religious, are unfit to sustain their own just rights and interests, and are necessarily totally unqualified to be entrusted with the rights and interests of others. If, in the ordinary and varied relations of private life, we should contemptuously refuse the proposition to submit our difference to the arbitration of men ignorant of the rudiments of education, what language can we employ sufficiently indicative of our feelings, when the demand is boldly made that to such men shall be entrusted the management of our political liberties.

“The right of suffrage, almost universal, has been conferred by the Constitution on the population of this Province, and although the Association do not desire the right to be curtailed, yet they appeal to the intelligent of all communities whether it would be proper and just to divest the Constitution of a check on popular violence and precipitation where, unhappily, ignorance and prejudice characterize the majority.

“Although to those resident in this Province, and intimately acquainted with the condition of the rural population, it is superogatory to adduce proofs of

the deplored ignorance of the French Canadian inhabitants, yet our fellow-countrymen in the other American Provinces and in Great Britain and Ireland may desire that our assertion be substantiated.

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"The Committee disclaim all intention of charging upon the French Canadian population, a participation in the selfish acts of their leaders: and were it not that a disclosure of certain facts were necessary to a right understanding of the position of parties, they would willingly abstain from any allusion to their peculiar characteristics. The following quotation from an Address to 'Men of British and Irish descent,' will convey, in precise terms, all that is necessary to be said on that subject:—

"The want of education among the French majority and their consequent inability to form a correct judgment of the acts of their political leaders have engendered most of our grievances. The extent of that ignorance may be collected from the facts, that within the last two years, in each of two Grand Juries of the Court of King's Bench for the District of Montreal, selected under a Provincial law, from among the wealthiest inhabitants of the rural parishes, there was found but one person competent to write his name; and that trustees of schools are specially permitted, by statute, to affix their crosses to their school Reports.

"The political information of that part of the Canadian population engaged in agricultural pursuits is therefore derived exclusively from the few educated individuals scattered among them, who speak the same language and who possess the means of directing public opinion, exempted from those salutary checks which education alone can bestow.

"The persons who wield this mighty power are, generally speaking, Seigniors, Lawyers, and Notaries of French extraction, all of whom, as will be shown hereafter, have a direct and selfish interest in main-

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Chap. taining a system of feudal law, injurious to the coun-
 xxxvii. try and bearing with peculiar severity on the British
 1836. interests.

"Our endeavors to procure relief have been represented as a covert attack upon the customs and institutions of the Province; national prejudices have been called into action, national feelings excited, and a majority, ignorant of the nature of the contest, is now arrayed against a British minority.

"Passing by the petty vexations of the Feudal Tenure, such as the Seigniors right to call for the title deeds of every vassal; his exclusive right of grinding the grain of his Seignior; his right to assume any property within the limits of his Seignior on reimbursing to the purchaser the cost of his acquisition; and other claims of a servile and arbitrary character incident to Feudal Law, we proceed to the subject of the more grievous burdens by which we are oppressed.

"Throughout the Seigniories of Lower Canada, within the limits of which are comprised the Cities of Montreal and Quebec, upon the sale of real property the Feudal Lord exacts from the purchasers a fine equal to one-twelfth part of the price; a claim which recurs with each successive sale: thus every person who clears, or otherwise improves a farm, erects a building, either in town or country, or invests capital in landed estate, bestows one-twelfth of his outlay on the Seignior, whenever the property is brought to sale.

"This odious law, so injurious in its effects, readily explains why this fine Province, although richly endowed by nature, is so far surpassed in the career of improvement by neighbouring Provinces and States.

"From the want of a Bill for the registration of real property, the validity of a title cannot be ascertained except by a course of expensive proceedings

Canada. Lower Canada.

through the Courts of Law, but secret incumbrances may still exist, unaffected by that procedure, for whose discovery no means are afforded; hence the difficulty of borrowing money on mortgage and the frequent seizure and forced sale of real estate. Chap. xxxvii.
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“The profits which accrue to the Seigneur from this state of things are obvious; and the interest of the French Lawyer and Notary, in maintaining a system of law that fosters litigation and produces corresponding expense, is equally intelligible.”

“The first settlers in Canada brought with them the artificial distinctions of rank, and the oppressive laws of that state of society, which had grown up in rank luxuriance, under the despotism of the Bourbons.—The eradication of these laws, as it would have been the first object of dawning intelligence, so would it have been the first effort of a reforming Legislature. Yet the French Canadian population still submit to their pernicious operation—the House of Assembly proclaims to the world a resolve for their perpetuation, and denounces the Constitutionals for seeking their abolition.

“The Committee cannot omit making reference to the notorious fact, that several Members of the House of Assembly, in successive Parliaments, have been unable to read or write. In one State of Republican America, those similarly circumstanced, are disqualified for the comparatively humble duty of a Petty Juror, while, in this Province, a virtual encouragement to the neglect of education is offered, by rendering ignorance no impediment to the responsible and important duties of legislation. Can it be supposed that a people in this condition are competent to judge of the various and complicated relations of society—to decide upon the nicely graduated scale of punishments so necessary to a just system of law—to regulate the intricate concerns of commerce—and, finally, to comprehend the wants and the wishes

Chap. of that portion of the community, which, from edu-
 xxxvii cation and superior intelligence, is more advanced
 1836. in the social scale.

“When to this state of affairs is added the fact, that the pernicious distinction of origin has been sedulously employed to perpetuate a separation of the two classes—that feelings of enmity have been created and encouraged among the French population, against their fellow-citizens of British and Irish descent—the opposition of the Association to the introduction of the elective principle in this Province, will be regarded by all unprejudiced men as dictated by self preservation.

“The Association earnestly desire that the Legislative Council should be composed of men who, by birth or long residence in the country, are warmly attached to its interests, who are intimately concerned in its prosperity, who are alike independent in mind and circumstances, and distinguished by the esteem of their fellow-citizens. A Legislative Council formed of such materials will enjoy the confidence of the people, and be alike observant of duty towards the Crown, and of respect for popular privileges. Public opinion will sufficiently punish a dereliction from the one, or a disregard of the other.

“To surrender the entire control of the Government of the Province to the present constituency, would be in effect, proportionally to increase and confirm the power of the French faction. The influence which has brought the French population not simply to endure, but to cherish pernicious laws, cannot be counteracted, until education and a free press shall have diffused among them the elements of political knowledge.

“The British and Irish population perceive in the past conduct of the French leaders, sufficient evidence of what would be their future career. Confident of the continued support of a majority, inaccess-

sible to argument and united by an indefinite dread of everything British, they have ventured upon acts that would have blighted their character in any enlightened state. They have violated the principles of a Representative Government, by expelling from successive Parliaments a Member freely elected by the people ; another Member has been expelled on the ground of alleged disqualification, while one of their own party, under similar circumstances, has been permitted to retain his seat :—and the sitting Members for the West Ward of this City are allowed to retain their seats in opposition to the votes of a majority of qualified electors.

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“The French Canadian leaders have numbered among their grievances, that one-seventh of the Township lands has been appropriated by law for the support of a Protestant clergy, and yet they have studiously withheld from the public view the facts, that, for the support of the French clergy is exclusively appropriated the revenue derived from the exaction of tithes in the Seigniories, and that large revenues from extensive tracts of land are enjoyed by French communities. Are duplicity and exclusiveness the characteristics of Reformers ?

“The men of the Constitutional Association are united for one grand object—the maintenance of equal rights. Upholding the principle, that every clergyman should derive the means of support from his congregation, they cordially accede to the application of the Clergy Reserves to purposes of education ; but they claim what their opponents have intentionally overlooked, a general adoption of that principle.

“Although years have elapsed since the British Government, after strict investigation, declared that certain properties were held by communities without any legal title, yet a large population, comprehending that of the principal cities of the Province, re-

Chap. main subjected to grievous and irritating feudal
xxxvii. exactions by these communities; the growth of our
1836. cities is checked, by the interruption of parcels of
land held in mortmain, and which are refused, for
purposes of public improvement, to earnest appli-
cations. These evils might well have found enume-
ration among the numerous grievances which a
microscopic vision has detected, and would have
commanded the sanction of a Reforming Legisla-
ture.

"The Association have no sinister motives; in the true and stern spirit of reform, they demand that those oppressions cease. They protest, in the name of their fellow-countrymen, against any compromise or concession that shall confer the sanction of His Majesty's Government on the illegal exactions which a weak policy has suffered to exist.

"Our fellow-citizens in Upper Canada demanded the modification of the Charter of the King's College at Toronto, because of its exclusiveness, and yet their brethren in Lower Canada have, of late years, witnessed the establishment, by Provincial Charter, of several French Colleges of the most exclusive character, deriving their support principally from the public revenue, by annual grants freely and lavishly bestowed by successive Parliaments. In their anxiety for the advancement of education, the Constitutionals have hitherto uttered no complaint, but, goaded by a sense of wrongs inflicted by the French majority, they now formally protest against the support of Colleges founded on narrow and exclusive principles, which necessarily deprive a large portion of the population of the advantages of those institutions, and demand a general system of education, divested of sectional and illiberal views.

"The numerous French Colleges, supported chiefly by grants from the Public Funds, warrant the Association in demanding, as an act of justice, propor-

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tionate grants for the instruction of youth of British and Irish origin; and further, they conceive that the Jesuits' Estate and College at Quebec should be dedicated to the establishment of an institution for the higher branches of science and learning, open to all classes, and divested of all sectarian religious test, in either its professors or its students.

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"The proceedings of the Assembly, now in Session, evince the usual spirit of hostility to any beneficial change in the laws affecting property, and the prosecution of works of public utility, which are imperatively called for, to enable us to compete successfully with our rivals for the western trade. Serious and wounding to our interests as are the obstacles which a narrow-minded and hateful policy interposes to prevent the march of public prosperity, the Association more deeply regret that no hope of speedy amelioration can be discerned, except through the interposition of the Imperial Parliament, or from a legislative union of the Provinces of Upper and Lower Canada. However, another resource is yet afforded to those of the Association resident in the County of Montreal—namely, an annexation to Upper Canada, which would free them from a connection repulsive to their feelings, and destructive of their interests.

"The Provincial Revenue, mainly furnished by the British and Irish population of this Province and of Upper Canada, has been in part, illegally applied to reward political partizans—to engage the service of an agent, who advocates principles destructive of an important branch of our trade—to disseminate false and libellous attacks on our principles and motives through the British press, and to sustain Journals in this Province. Sincerely does the Association deplore that the Governor in Chief, in obedience to instructions from His Majesty's Ministers, should have sanctioned an unconstitutional application of the Provin-

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 xxxvii. circumstances, have been this infraction of the Con-
 1836. stitution, yet more accurately felt is the wrong, pro-
 ceeding from those who, we confidently expected,
 would have interposed the shield of British justice
 for the protection of that structure reared by the
 Imperial Parliament itself.

“The Constitutional party in this Province are resolved to devote their energies of the preservation of the fundamental principles of the existing Constitution, not merely because of its assimilation to the Constitution of the United Kingdom—not merely because the change so ardently and pertinaciously demanded by the majority of the House of Assembly will, if effected, speedily sever the connection with the parent state, a connection which the Committee maintains is beneficial to the colony, and affectionately appreciated by the bulk of the Association, not merely because the lamented ignorance of the French Canadian peasantry presents an insurmountable objection to a further extension of the elective principle, but chiefly, because the change demanded by the House of Assembly, would entail upon them and upon their children, a virtual deprivation of the elective franchise, an insupportable condition of moral servitude.

“The dishonest imputation of the French Canadian leaders, that the Association is composed of anti-reformers, and supporters of official abuses, has been for ever put at rest by a distinct and open avowal of our principles, and the true character of the struggle as between feudalism and rational liberty—domination and equal rights—French Canadian *nationalité* and the spirit of universal liberty, is known and appreciated throughout North America.

“The peculiar position of the men of British and Irish origin, though surrounded by difficulties, must not give rise to despondency. A confident reliance

upon the justice of their cause, and the energies of the race to which they belong, must animate them to resistance against oppression, and will yet crown their efforts with success. But, watchfulness and action are required, and a more intimate connexion with their brethren throughout this Province and in Upper Canada; to effect which important object, they earnestly recommend that delegates from all the constitutional societies in this Province assemble in Congress, to deliberate upon our situation, and to devise the best and speediest means of political emancipation; and considering the identity of interests between the inhabitants of Upper Canada and the constitutionalists of this Province, that urgent representations be made to them, by means of deputies or otherwise, for that aid which will accelerate the overthrow of a hateful domination.

"All which is, nevertheless, respectfully submitted.

"H. DYER,

"Chairman, General Committee."

Montreal, December 5th, 1835.

The following Resolutions were adopted by the Meeting:

Moved by Adam Ferrie, seconded by James Brown—

1. Resolved, That the Report now read be received and adopted by this Association.

Moved by John Boston, seconded by Henry Corse—

2. Resolved, That the Report of the Committee appointed at the meeting of the General Committee, held on the 28th November last, for the purpose of altering and amending the Rules and Regulations of this Association, as now read, be received and adopted.

Moved by T. A. Begly, seconded by John Jones.

3. That this Association do now proceed in conformity to the Rules and Regulations, to the election of a General Committee for the ensuing year.

Moved by J. Holmes, seconded by J. Shrimpton—

4. Resolved—That the threatening aspect of public affairs in this Province, leaves the enlightened and independent, of whatever origin, among the population, no alternative between vigorous action and humble submission, and as the latter is not to be thought of, that means to insure greater efficiencies of action be taken, and

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Chap. This was followed up, in January, by an Address
xxxvii. from the same body:—

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“ TO THE INHABITANTS OF BRITISH AMERICA.

“ FELLOW COUNTRYMEN,—When an industrious population, after years of suffering, are aroused to a sense of danger, by renewed attacks upon their rights and liberties, an appeal to those of kindred blood, animated by the same spirit, and allied by a communion of interests, can excite no surprise, and requires no justification.

“ Long and patiently have the population of British and Irish descent in Lower Canada endured evils of no ordinary description, relying on the interposition

that it be an instruction to the Executive Committee to adopt such measures as they may deem fit, for the assembling in Congress, at some central point, deputies from the various Constitutional Societies in this Province, and from our fellow-subjects in the Sister Colonies.

Moved by G. Auldjo, seconded by J. P. Sexton—

5. Resolved, That the assumption by Louis Joseph Papineau of the character of a representative of the West Ward of the city of Montreal, is contrary to the law of this land; and is a gross violation of the electors of that Ward; and that such assumption is the more strongly to be denounced as proceeding from an individual whose avowed principles are directly hostile to the political and commercial interests of His Majesty's subjects in this Province of British and Irish origin, and dangerous to the peace and prosperity, not only of Lower Canada, but of all the British possessions in North America.

Moved by H. Griffin, seconded by John Molson, Jun.—

6. Resolved—That this Association view with surprise the manifest opposition by the popular branch of the Legislature of this Province, against every advance made by individuals calculated for the improvement of the Province, and particularly of the District of Montreal. In the present Session, we have already witnessed the extraordinary inconsistency of the Speaker and his followers, exercised expressly to defeat the Railroad application for this District, by which a barrier is intentionally erected to the employment of emigrants, forcing them to the necessity of seeking a home elsewhere, and whereby those provinces would mainly be enabled to compete with the rapid strides making by our neighbors, which ere long, (unless counteracted by the march of improvement on our part) must prove ruinous to ourselves individually, and to our rising commercial interests.

of the Imperial Government for relief; deceived in the fondly cherished trust, they are impelled to seek, from their own energies, that protection which has been withheld by the power on whose justice they reposed.

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“For half a century they have been subjected to the domination of a party, whose policy has been to retain the distinguishing attributes of a foreign race, and to crush in others that spirit of enterprise which they are unable or unwilling to emulate. During that period, a population descended from the same stock with ourselves, have covered a continent with the smiling monuments of their agricultural industry; Upper Canada and the United States bear ample testimony of the floodtide of prosperity, the result of unresisted enterprise and of equitable laws, which has rewarded their efforts. Lower Canada, where another race predominates, presents a solitary exception to this general march of improvement. There, surrounded by forests inviting the industry of man, and offering a rich reward to his labour, an illiterate people, opposed to improvements, have compressed their growing numbers almost within the boundaries of the original settlements, and present in their laws, their mode of agriculture, and peculiar customs, a not unfaithful picture of France in the seventeenth century. There also may be witnessed the humiliating spectacle of a rural population not unfrequently necessitated to implore eleemosynary relief from the Legislature of the country.

“It were incredible to suppose that a minority, constituting nearly one-third of the entire population, imbued with the same ardour for improvement that honorably distinguishes their race throughout the North American continent, and possessing the undisputed control of all the great interests of the colony, would resign themselves to the benumbing sway of a majority differing from them so essentially

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on all important points, whilst any mode of deliverance was open to their choice. Nor would supineness or indifference on their part, produce a corresponding change in their opponents, or mitigate the relentless persecution with which they have been visited. The deep rooted hostility excited by the French leaders against those of different origin, which has led to the perpetration of outrages on persons and property, and destroyed confidence in juries, who have been taught to regard us as their foes, has extended its pernicious influence beyond the limits of Lower Canada. Upper Canada, repulsed in her endeavours to open a direct channel of communication to the sea, has been driven to cultivate commercial relations with the United States, whose policy is more congenial with her own. Nova Scotia and New Brunswick will learn, with indignant surprise, that the destruction of their most important interests is countenanced and supported by the Assembly of this Province.

“A French majority in one Province has caused these accumulated evils—a British majority in the United Provinces will compel their removal.

“If it be the desire of the French Canadians to isolate themselves from the other subjects of the Empire, by cherishing the language and manners of a country which stands to them in the relation of a foreign power, the effects of such a prejudice will chiefly be felt by themselves, and may be left for correction to the hand of time; but when national feeling is exhausted in an active opposition to the general interests of the British American Provinces, when immigration is checked, the settlement of the country retarded, and the interests of commerce sacrificed, to the visionary schemes of establishing a French power; it becomes the solemn duty of the entire British population to resist proceedings so pregnant with evil. Let it not be said that a million

of freemen permitted their rights to be invaded, and their onward course impeded, by a faction which already recoils in alarm from the contest it has rashly provoked.

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"Connected as are the Provinces of British America by a chain of Rivers and Lakes, affording the means of creating an uninterrupted water communication between their extremities, at a small expense; possessing within themselves the elements of an extensive trade by the interchange of those products which are peculiar to each, and forming parts of the same Empire, they have the undoubted right to require that these advantages shall not be sacrificed by the inertness or the mistaken policy of any one state; more especially when, as in the case of Lower Canada, that state, from geographical position, exercises a preponderating influence on the prosperity of all.

"The facts which have been made public in two Addresses, emanating from the Association, conclusively establish, the want of education among the French population, their subserviency to their political leaders, and the hostility of those leaders to the population of British and Irish descent. Many additional illustrations of their hostile policy might be adduced.

"At a time when men of all political parties in the Sister Province are united in opposing the contemplated change in the timber duties, the Assembly of this Province, far from lending their assistance, have countenanced the attack, by recognizing as their Agent in England, an individual who is distinguished by his advocacy of the Baltic interests, and his active opposition to the Colonial trade. To aid in the prosecution of this design, they have not scrupled to appropriate a part of the Provincial funds, (obtained under the pretext of defraying their contingent expenses,) to reward their Agent, and to circulate through the British press, statements that are calcu-

Chap. lated to mislead the public mind; thus gratifying
 xxxvii. their national animosity, by lending a willing aid to
 1836. ruin the shipping and mercantile interests of the
 British American Provinces, and preventing the influx
 of immigrants from the British Isles, who are brought
 to the Colonies, at a trifling cost, by the vessels en-
 gaged in the timber trade.

“Upper Canada is honorably distinguished for works completed and in progress, remarkable for their magnitude and for the extensiveness of their destined utility. The St. Lawrence canal, at this moment in active progress, will complete an uninterrupted navigation for vessels of considerable burden from the upper Lakes to the line dividing that Province from Lower Canada; but at that point, the spirit of English enterprize encounters the influence of French domination; the vast designs of rendering the remotest of the inland seas accessible to vessels from the ocean, is there frustrated by the anti-commercial policy of the French leaders; we look in vain to their proceedings for any manifestation of a desire to co-operate in the great work of public improvement, which animates, as with one spirit, the entire North American population of British descent; nor is their adverse disposition less visible in their opposition to other important designs; they either refuse to grant charters to carry into effect works of acknowledged public utility, or, when after repeated and earnest applications, charters are obtained, they are clogged with restrictions of an unusual character, in the hope of rendering them inoperative.

“In all new countries the deficiency of capital proves a serious impediment to the exertions of the enterprising and industrious, and it would be among the first duties of a wise Legislature to invite the introduction of foreign capital, by the adoption of an equitable system of law, that would inspire confidence in personal and landed securities. In Lower Canada,

from the absence of offices for the registration of real estate, and from the system of secret and general mortgages, not only is foreign capital excluded, but the Colony is impoverished by the withdrawal of funds for profitable and secure investment in other countries. In tracing the motive of resistance to a measure that more than any other would advance the public welfare, we again encounter the pernicious influence of French exclusiveness. A general distrust of the titles and securities of landed estate is suffered to exist, in order to prevent the acquisition of real property by emigrants from the British Isles.

“This spirit of exclusiveness, which betrays itself in all the proceedings of the Assembly, disfigures even those measures which, it might reasonably be expected, would inspire sentiments of a more lofty and generous nature. Although the British Act of the 14th Geo. III, which confirmed the right of the French Clergy to tithes, declared, most probably for that very reason, that the religious communities should not hold estates. They continue in the undisturbed possession of tracts of land, exceeding fifteen hundred square miles in extent, besides possessing property of great value in Quebec, Montreal, and elsewhere. In addition to the revenues derived from these possessions, the Assembly annually appropriate large sums of money out of the Provincial revenues for the support of those communities, and for the establishment of institutions rigidly and exclusively French, whilst to other institutions on a liberal foundation, affording relief to all, without distinction of origin or creed, a fair participation of legislative aid has been refused.

“It is, to ‘the great body of the people’ thus characterised, that His Excellency the Earl of Gosford, the Representative of a British King, and the head of the Commission deputed to enquire into our complaints, has declared that all future appointments to office shall be made acceptable

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“A Legislative Council constituted on such a principle, would be but a counterpart of the Assembly; it might, and no doubt would, relieve the Executive from the odium of sanctioning the illegal appropriation of a part of the Provincial revenues, by the mere vote of the Assembly; but it would not prevent the same misapplication of the public funds being effected by bill, which is now accomplished by an Address to the head of the administration.

“A Government thus conducted would forfeit all title to our confidence, would be regarded but as an instrument to secure the domination of a party, and the brief period of its duration would be marked by scenes of outrage, and by difficulties of no ordinary description.

“The French leaders, if we are to credit their reiterated assertions, entertain an attachment so deep, so absorbing, for elective institutions, that they would at once confer that important privilege to its fullest extent, without reference to previous habits, education, or political dissensions. How much of this ardour may have been called forth by a desire to establish French ascendancy, and to depress British interests, may fairly be deduced from a review of their past proceedings. Without discussing the question of elective institutions, which, it is obvious, cannot be introduced to the extent demanded by the Assembly, under the existing political relations of the colony, which relations we are resolute to maintain, we distinctly aver, that we are not influenced by idle apprehensions of a Government of the people and for the people; but it must be emphatically a Government of ‘the people,’ truly represented, and not a French faction; the Government of an educated and independent race, attached to the principles of civil and religious liberty, and not that of an uninformed population, striving for domination, and seeking to perpetuate in America, the institutions of feudal Europe.

"To the people of the Sister Colonies we appeal, Chap. earnestly recommending the adoption of measures xxxvii for assembling at some central point, a Congress of 1836. Deputies from all the Provinces of British North America. A British American Congress, possessing strength from union, and wisdom from counsel, by the irresistible weight of its moral influence, would supersede those other remedial measures which are the last resource of an insulted and oppressed community. On it would devolve the solemn duty calmly to deliberate on all matters affecting the common weal, and firmly to resist all attempts to invade the rights, or impair the interests of the United Provinces.

"In submitting a brief recapitulation of the objects of the Constitutional Association, it may not be misplaced to offer a few observations explanatory of the position of parties in Lower Canada, and of the sentiments of the British population towards their fellow-subjects of French origin.

"The moral guilt of exciting national hostility undoubtedly rests with the French leaders, who alone benefit by the distracted state of the country; but the facility with which the French peasantry have received these impressions, and the unanimity with which they support the aggressive policy of their leaders, render them, although less culpable, yet equally the determined opponents of our rights and liberties. Unhappily their want of education prevents a direct appeal being made, through the press, to their judgment; but those of their countrymen who are not blinded by the infatuation of party, who possess education to comprehend, and opportunity to make known, the sentiments of the British population, may be led to reflect upon the consequences that must result from their present delusion. Should the admonition be disregarded, on them let the responsibility rest.

"The Province of Lower Canada, whether re-

garded as a part of the British Empire or of the great North American family, is evidently destined to receive the impress of national character from those States by which she is surrounded. An obstinate rejection of all measures, having for their aim the gradual removal of those peculiarities which distinguish the population of French origin, may retard, for a time, an inevitable event, but will certainly hasten the introduction of changes of a more abrupt and decisive character.

"A dispassionate examination of the changes required by the British population, will satisfy all unprejudiced men, that they are adapted to the general interests of society, are liberal and comprehensive in their character, and unconnected with party objects.

"To relieve landed estate from the servitudes and exactions of feudal law.

"To introduce Registry Offices and put an end to the iniquitous frauds that grow out of the present system.

"To promote works of public improvement.

"To encourage agriculture and protect commerce.

"To recognize an equality of rights among all classes.

"To resist the domination of sect or party, and to establish a general system of education, divested of sectarian tests.

"These are our objects and our demands; they are based on truth, are essential to national prosperity and to individual security; they admit of no compromise, and from them we will not recede.

"The threatening aspect of the times demands action; neutrality, the usual resource of ordinary minds, will not be attended by an immunity from danger; it must remain with the population of French origin to decide, whether, by continuing to support the leaders they have hitherto selected, they are to be regarded as hostile to our just claims, or, by uniting with their fellow-subjects of British origin,

they will compel the introduction of salutary reforms, consign to their native insignificance the few individuals who alone profit by the present system of misrule, and by repudiating ancient prejudices and exclusive pretensions, place themselves in accordance with the spirit of the age.

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"To us, it is in one respect, a matter of indifference what their decision may be. The principles we espouse are identified with the happiness of the human race; they have taken root with our language in all quarters of the globe, and wherever that language is spoken, there shall we meet encouragement, and thence shall we derive force.

"Although Lower Canada presents the strange spectacle of a British Government bestowing its confidence on men who have openly avowed their hostility to England, and their desire to effect a separation from the Empire; although by the contrivance of that Government, the Provincial funds have been illegally applied to reward French agitators, to support French journals, and to pay French agents; yet do we feel the proud conviction that the energies of Britons will rise superior to the emergency, and that despite an unnatural coalition, the banners of our country will continue to wave over a British Province.

"The voice of supplication has been unheeded amidst the insolent clamours of faction. United British America, assuming an attitude alike removed from menace or from fear, will proclaim her wrongs, assert her rights, and claim from the Imperial Parliament that interposition, which shall remove existing grounds of complaint, and carry with it a sufficient guarantee against future aggressions.

"By order of the Executive Committee of the Montreal Constitutional Association.

"WILLIAM ROBERTSON, Chairman.

"J. GUTHRIE SCOTT, Secretary.

"Montreal, January, 1836."

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1886. Contemporaneously with the above appeared also the following report of "The Quebec Constitutional Association," as follows:—

"The Executive Committee of the Quebec Constitutional Association, to whom was referred, on the 28th November last, the resolution of the General Meeting of the members of the Association, and signers of the petitions presented to His Majesty and both Houses of Parliament, for the purpose of reporting resolutions on the present state of public affairs, as regards the complaints contained in said petitions,

"REPORT:

"That at a meeting of the Executive Committee, held on the 10th December last, Messrs. Aylwin, Duval, Neilson, Pemberton and Stuart were appointed a Sub-Committee on the said resolutions.

"On the 22nd December, a draft of a proposed Report was read at a meeting of the Executive Committee, and left on the table for the consideration of the members, but not reported till the 5th instant, at a meeting specially called to take the Report into consideration. The meeting, after receiving, reading and discussing the Report, adjourned to the following day, at 3 o'clock, P. M., and ordered all the members to be again notified of the adjournment.

"At this meeting, the Report and resolutions, with some amendments, were finally agreed to, and it was ordered to be printed and distributed, and a general meeting of the Association and Signers of the petitions to be called for Thursday, the 21st instant, to which meeting the said Report and resolutions, as subjoined, are now respectfully submitted.

"A. STUART, Chairman.

"T. C. AYLWIN, Acting Secretary.

"Committee Rooms, No. 13, St. Lewis Street.

"The Sub-Committee to whom was referred the resolve of the general meeting of the Quebec Con-

stitutional Association and the signers of the petitions to His Majesty and both Houses of the Imperial Parliament, praying for justice, and protection in their rights as British subjects; which resolve, dated 28th November last, requested the Executive Committee 'to prepare Resolutions on the present state of public affairs, as regards the complaints contained in their petitions,'

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“REPORT:

“That they have bestowed on the said reference that serious consideration which is due from all those entrusted by their fellow-citizens with the performance of a public duty, but more particularly when their rights and liberties are concerned, and they have made a constitutional appeal to the supreme authorities of the Empire for justice.

“The complaints of the Petitioners as set forth in their petitions, are:—

“1st.—That they are deprived of a fair and equitable representation in the Provincial Assembly:

“2nd.—That the powers of the Assembly, under the Act of the British Parliament, by which it is constituted, as one of the three branches of the Provincial Legislature, have been exercised to the injury of the Petitioners, and the disturbance of the quiet and prosperity of the Province:

“3rd.—That the increased powers improvidently conceded to the Assembly by the British Parliament have been abused, for the avowed purpose of subverting the Constitution of the Government as established by the said Act, and for the subjugation of the Petitioners to ‘arbitrary rule and control, through the instrumentality of a majority acting and held together under the impulses of national prejudices and feelings:

“4th.—That in consequence of the proceedings of the Assembly in furtherance of the said ends, the

Chap. property of the Petitioners and the rewards of labor
xxxvii. and industry have diminished in value by the de-
crease of public confidence in their security, and the
1836. continuance of various abuses, while funds derived
from permanent taxes, levied for the public uses, as
may be directed by law, are pledged by the Assem-
bly in furtherance of their aforesaid ends:

“5th.—That the Judges are held in a state of an-
nual dependence on the Assembly for their subsist-
ence, while the Administration of Justice and the
Judiciary system, as regulated in 1794, is become
insufficient, and in many cases entailing ruinous ex-
penses, amounting to a denial of justice:

“6th.—That His Majesty’s Executive Council for
the affairs of the Province, both as respects the
number and composition of its members, is inefficient
for the purposes of its institution:

“7th.—That proper regulations ought to be adopt-
ed by the Crown in the exercise of its prerogative of
calling to seats in the Legislative Council, so as to
ensure the selection of fully qualified persons.

“The Sub-Committee have not been able to dis-
cover that any relief has been afforded to the Peti-
tioners on any of the foregoing heads of complaint.

“A Commission has indeed been appointed by His
Majesty, to inquire into alleged grievances in the
administration of the local Government, and this in-
quiry embraces the complaints of the Petitioners.
The Commission, consisting of three persons, arrived
at Quebec, the 23rd August last.

“On the 9th of October, the Executive Committee
applied to the Commission, through its Secretary,
expressing their readiness to support the petitions to
His Majesty and both Houses of Parliament. The
resolutions of the Committee and answer of the Com-
missioners, dated 12th October, have been published,
and may be referred to. On the 15th December
instant, a letter from the Secretary was received,

stating the readiness of the Commissioners to receive information, and listen to representations on the part of the Association, which has led to the first examination of two deputations of the Executive Committee on the 23rd instant.

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“With the measure of sending out a Commission of enquiry, was connected a change of the person entrusted by His Majesty with the chief Government of the Province, and the new Governor was placed at the head of the Commission.

“The speech delivered by His Excellency at the opening of the Provincial Legislature on the 27th of October last, may be referred to, as indicating the views of the British Government on the state of affairs in this Province.

“This speech affords sufficient evidence that the King’s Ministers were desirous of conciliating the majority of the House of Assembly and its leaders, upon whose conduct is founded the five first and principal heads of complaint on the part of the Petitioners as before stated.

“The only concession to the Assembly announced in this speech, beyond those contained in the despatch of His Majesty’s Principal Secretary of State for the Colonial Department, dated 7th July, 1831, which, being in answer to an Address of the Assembly of the 16th March, 1831, was laid before that body on the 18th November following, seems to be, the surrender of all the net proceeds of the revenue of the Crown arising ‘from any sources in the Province;’ on condition that the management of these sources of revenue should be ‘reserved to officers of the Crown, and that a provision should be made for the support of the Executive Government, and for the salaries of the Judges, by an adequate Civil List.’

“The manner in which this new concession may affect the Petitioners, through the power of the House of Assembly, in which they are not represented, will



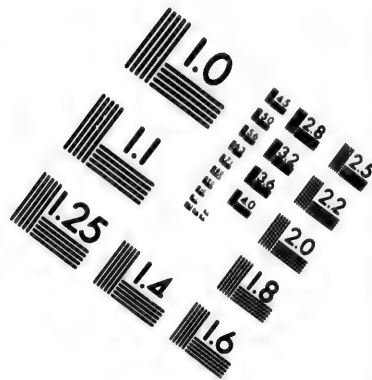
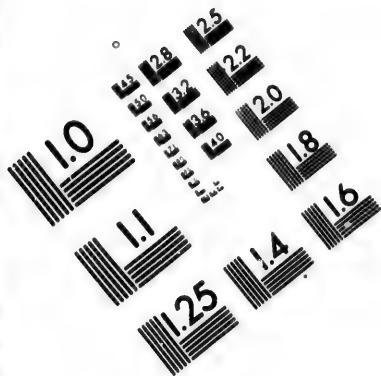
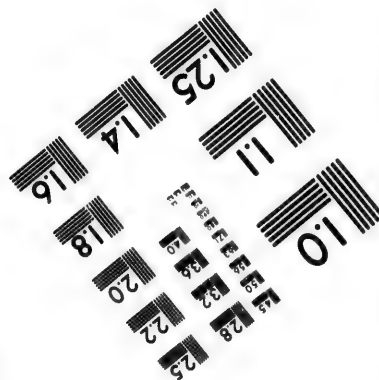
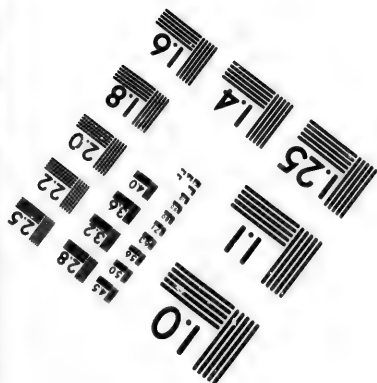
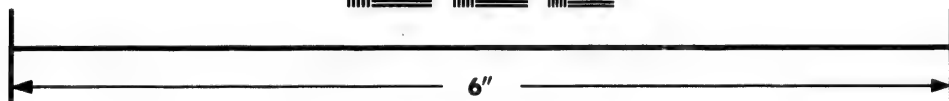
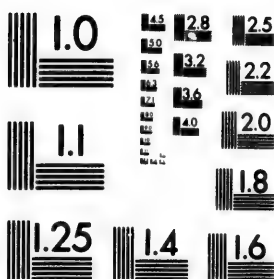


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Chap. depend greatly on the conditions which may be annexed to the proposed surrender. On this subject it is stated in the speech, that the Commissioners are to enquire and report to His Majesty's Government, and His Excellency expresses a hope that he will be able to submit to the Assembly 'proposals in a session to be holden in the ensuing year.'

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"The Sub-Committee beg leave to observe that it would appear from declarations, several times repeated, in the speech, that it is not intended to confine the duties of the Commissioners to mere enquiry; but that they are to come to 'impartial and well weighed conclusions,' which they 'will state with an earnestness of purpose, calculated to give additional force to the authority which they ought to derive from having been deemed worthy so grave a charge.'

"The declaration contained in the speech against incompatible offices, is, in part, conformable to a bill passed by both Houses of the Provincial Legislature, and reserved for the signification of His Majesty's pleasure thereon. This declaration seems to have been acted upon in respect to certain officers having seats in the Executive Council. Three of the four acting Executive Councillors, resident at Quebec, are stated to have expressed a wish to resign their seats in that body. This result is tantamount to its annihilation. Indeed, it is generally understood that this body had long ceased to act as the advisers of the Governors in matters of state. The object of the Petitioners, in respect to the Executive Council can, however, only be attained by its being re-constituted, so as to form a body of able and well-informed individuals, aiding by its local knowledge and advice, the Executive authority, and thereby enabling it to proceed with 'sound discretion, uniformity, consistency and system.'

"While His Excellency repeats the disclaimer contained in the despatch of 7th July, 1831, on the

part of His Majesty and the British people, of all distinctions from difference of national origin in the exercise of the Royal prerogative of appointing to office in the Province, he distinctly acknowledges the existence of two parties therein, based on these distinctions. It is to this source that the petitioners trace their principal complaints. It is against the grasping and insatiable greediness and ambition of the leaders of the party of French origin in the House of Assembly, and on their spirit of unjust domination over those of different national origins, so repeatedly exemplified in their acts and public declarations, that the petitioners have been compelled to appeal to their Sovereign for protection, and to co-operate in the support of their rights and liberties.

"It would be a subject of sincere congratulation to the Sub-Committee could they perceive that this spirit is abated; that whatever may be the national peculiarities of language, religion and usages among His Majesty's subjects in this Province, they were all fully sensible of their duty to cultivate peace and good understanding with each other, by mutual toleration, an inviolable regard for the established rights of all, and an active co-operation for the common welfare.

"The established Constitution ought indeed to promote such a state of feeling and conduct. The population of French extraction, forming a majority of the electors, are secured by it against all changes in their present condition, and in the laws, institutions and usages peculiar to them, as no such change can be effected without the consent of representatives chosen by themselves; and the legal rights, liberties and privileges which are dear to the population of other origins, cannot be subverted without the consent of two other branches of the Legislature, who are, or ought to be, independent of the representative branch.

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Chap. "The Sub-Committee is, however, sorry to have
 xxxvii. to state, that a majority of French origin in the pre-
 1836. sent session of the House of Assembly, amidst professions of equal justice to all, has shown, by its acts, that it continues in its disposition to subjugate those of all other origins to its mere will and pleasure, or that of the distinct national origin to which it owes its existence. Not contented with its former attacks on the Constitutional Act, to which it had so often and so recently professed its entire devotion,—not contented with having employed, for several years past, the increased power confided to it by the British Government and Parliament, on the faith of these protestations, to effect the destruction of the Constitution, the annihilation of a co-ordinate branch of the Legislature and of all efficient executive authority within the Province, derived from His Majesty,—it has now unequivocally proclaimed its intention to perpetuate its exclusive power by the establishment of a pretended pure Democracy, deriving its existence from a majority of electors of a particular national origin only, and liable to no check but the will of that majority, notoriously influenced by means of excited national feelings and prejudices.

"If the Sub-Committee could entirely confide in what ought to be the result of the declaration contained in His Excellency's speech at the opening of the present session of the Legislature, viz.: 'That a Government of which consistency and good faith are the main elements of power, will not fail to maintain the *spirit* of that Constitution which has been long held out as a boon to the natives of the Province and an inducement to the settlers who have embarked in it their enterprise, their wealth, and their hopes of individual happiness,'—the petitioners might pursue their wonted and highly useful avocations, in peace and security, regardless of the efforts of the turbulent and unprincipled characters by whom they have

so long been disturbed; but the Committee cannot perceive, by reference to the conduct of the British Government and Parliament in regard to this Province for several years past, that character of firmness and decision which, supported by knowledge, justice and strength, are the foundation and preservers of empire and public security. Neither can they perceive, in some recent proceedings of the executive authority here, a conformity with the spirit or even the letter of the British Constitution and the Act of the British Parliament providing for the better government of this Province.

“The means of more effectually operating against the petitioners and the authority of the Empire as lawfully existing in this Province, have lately been afforded to those of whose attempts they have complained in their humble petitions to His Majesty and both Houses of Parliament. An amount equal to about one-fifth of the whole annual revenue of the Province levied under permanent laws, paid in great part by the petitioners, and deposited with the executive authority to be applied to the public uses of the Province ‘in such manner only as shall be directed by any law or laws which may be made by His Majesty, his heirs and successors, by and with the advice and consent of the Legislative Council and Assembly of the said Province,’ (*Vide Act British Parliament, 31 Geo. III, cap. 31, sec. 47,*) has been yielded up to the national majority before mentioned and is now used, in part, by its leaders and their agents in forwarding its illegal, anti-constitutional, and domineering projects, both in the Colonies and in England.

“The Sub-Committee is sorry to have to add, that this open disregard of the law has been resorted to by the executive authority under a public and manifest threat, acted on by the House of Assembly at its last session, of not proceeding with the public busi-

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Chap. xxxvii. 1836. ness unless the Governor advanced to that body all the money that it chose to demand, to be applied to such purposes as it saw fit; and this after it had publicly pledged the funds of the Province to illegal purposes, and had long neglected, and finally formally refused to make good, according to its promise, advances formerly made, an amount of which, exceeding seventy thousand pounds, still remains uncovered, and has been included in the amount which the Governors are accused by the Assembly of having spent without authority of law.

“This palpable injustice and breach of faith on the part of the Assembly cannot be more offensive to every upright and honorable mind than the sacrifice which it implies of a principle essential to the existence of free government, by those who are the natural guardians of the public funds, to the end that they may be applied only under the authority of law.

“Upon the whole matter referred, the Sub-Committee is of opinion that in the present state of public affairs as regards the complaints of the petitioners, there is nothing that authorizes a relaxation of vigilance; but rather, while they continue to respect and bestow proper confidence in public authorities derived from His Majesty, the petitioners ought to lose no time in acting more in concert, and, being thrown chiefly on their own resources, they ought to come to an understanding as to the means which they can most effectually employ to maintain their rights as British subjects under the established Constitution; thus asserting their claim to the high character of their ancestors, and of the great majority of the people who inhabit the northern parts of this continent. For these purposes the Sub-Committee conceive that it would be expedient that the petitioners, throughout the whole Province, by means of persons selected from among themselves, should consult together, in the view of giving effect to their petitions, and ensuring the permanency of their connexion with the

Mother Country under Constitutional Government, Chap. and the general quiet, prosperity, and happiness of ^{xxxvii.} this important part of the British North American Colonies. 1836

“The Sub-Committee most respectfully submit the following Resolutions, with a view to their being reported to a General Meeting, should they be concurred in by the Executive Committee :—

“1st.—Resolved that this meeting has seen with regret that no remedy has hitherto been afforded to the evils of which they complained in their humble petitions to His Majesty and both Houses of the Imperial Parliament, presented at the last session thereof.

“2nd.—That they have seen with extreme regret, that since the presenting of these petitions additional means of injuring them have been afforded to those of whom they complained, and that these means, derived in great part from the petitioners, are now avowedly employed for the purpose of subjugating the persons, property, and freedom of the petitioners to the mere will and pleasure of a power derived from a majority of one distinct portion of the population only, proclaiming its ‘French origin’ by solemn resolves of its Representatives, and manifestly held together by feelings and prejudices averse to other origins, and acted upon by ambitious and self-interested individuals.

“3rd.—That the Executive Committee be requested to take measures with a view to the assembling of a Select General Committee of the petitioners, at some place to be agreed upon, to consult on such ulterior measures as may then seem most advisable to the said General Committee, in support of their petitions; and for the security of all the rights and liberties, civil and religious, which the inhabitants of all classes and denominations in this Province now enjoy, or of right are entitled to.

Chap. "4th.—That the said Select Committee consist of
xxxvii. one member for each County, City, Town or Borough
1836. in the Province, and that the persons so selected be
admitted on producing sufficient credentials.

"5th.—That the time, mode and places of selection of the members of the General Committee be determined by the Executive Committee, in concert with the Montreal Committee, and that the same be publicly notified at least two months before the day fixed for meeting.

"6th.—That the day and place of meeting of the General Committee be fixed in the same manner, and that at least one month's notice be given of the time and place of meeting.

"7th.—That Vigilance Committees of the petitioners, to consist of three residents, be appointed for each Ward within the City of Quebec, to receive signatures to the Declaration, and to enter in a book, by streets, a list of the names, surnames, additions, and residences of the members and signers of the petitions within each Ward; the chairman and members of which Committees shall respectively keep a copy of such lists, and transmit a duplicate to the Executive Committee.

"8th.—That the unavoidable disbursements of said Vigilance Committee be allowed by the Executive Committee.

"9th.—That the appointment of Vigilance Committees, for like purposes, be recommended to the several Branch Associations, and the petitioners in each Parish, Township, or detached Settlement, and that the Committee-men, and all members and signers of the petitions, keeping in view the sixth object of the Association, as expressed in its Declaration, avoid all national reflections, altercations, or angry discussion with those who differ with them in opinion on public affairs, or who are of a different national origin, but extend to all the inhabitants of the Province that

kindly feeling and toleration which they claim for themselves.

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“J. NEILSON, Chairman Sub-Committee. 1836.

“5th January, 1836.”

At a meeting of the Executive Committee of the Constitutional Association of Montreal, held on the 27th February, 1836, the following resolutions were adopted:—

“Resolved 1.—That the views of His Majesty’s Government in relation to the constitutional questions at issue in this Province, as set forth in the extracts from the instructions to His Excellency the Earl of Gosford, communicated by the Lieutenant Governor of Upper Canada to the Legislature of that Province, and the line of policy prescribed to Sir Francis B. Head, with respect to the questions at issue in Upper Canada, in so far as the same can be rendered applicable to this Province, are calculated, if honestly carried into effect, to promote the cause of good government.

“Resolved 2.—That Constitutionalists are not disposed to shield the malversations of any individual in office; that they do not sympathize with the hopes or the fears of office seekers, and disapprove of the undue importance which has been attached to this subject by the British press generally; and that they will rest satisfied with any appointments to office which may be made, provided the essential qualifications of integrity and ability are properly considered.

“Resolved 3.—That the population of British or Irish descent noticed, with a well founded apprehension, certain passages in the opening speech of His Excellency the Earl of Gosford—more especially, the eulogy of a system which has been productive of consequences fatal to the peace and prosperity of the colony—which formed a prominent subject of com-

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plaint in the petitions to His Majesty and the Imperial Parliament, and had been referred for investigation to the Commission of Enquiry of which His Excellency is the head; and that the recent message of His Excellency to the Assembly, adhering to every declaration made by him on the first meeting of the Legislature, as conveying 'the sense in which the instructions from His Majesty's Government are understood by those who are to execute them,' cannot but disturb our confidence in the justice and wisdom of those who have departed from the character of impartiality, so necessary to their station, by avowing hasty and inaccurate opinions on the matters submitted to their investigation.

"Resolved 4.—That His Excellency's admiration of 'the system,' having been founded on the supposition that 'it sustained a dense rural population without the existence of any class of poor,' it might naturally have been expected that the facts made known in the address of this Association, and substantiated by the records of the Provincial Legislature, shewing that there is in Canada 'a class of poor,' for whose assistance the provincial funds have been, at different periods, lavishly bestowed, would have induced His Excellency to entertain doubts of the excellence of 'a system,' under which the rural population have been in many instances reduced to a state of pauperism, unknown in other parts of the North American continent, where, happily for the inhabitants, a different 'system' prevails.

"Resolved 5.—That 'the system,' which it has pleased His Excellency to declare, 'there is no thought of endeavoring to break up,' consists in the setting apart one-seventh of the township lands for the support of a Protestant Clergy; in holding in mortmain a large extent of seigniorial lands; in the establishment and support of French colleges of a rigidly exclusive character; in a code of law, imposing

a tax of eight and one-third per cent on every sale of landed estate ; in the absence of registry offices, thereby creating a general distrust in the titles and securities of land ; and in various other evils, affecting the daily transactions of life ; depressing industry and enterprise ; encouraging and protecting fraud ; disturbing the peace of society, and preparing men's minds for any, and every effort, to work out their deliverance.

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“ Resolved 6.—That this Committee deem it incumbent on them to declare, that there is not the slightest foundation for the assertion so frequently made by the French leaders, that the system of law in force in this Province, was guaranteed and confirmed to the French population by the British Government in the articles of capitulation and treaty of cession ; they further declare, that the existence of that system is a manifest violation of His Majesty's Proclamation in 1763, inviting immigrants from the British Isles to make Canada their home, and guaranteeing to them a system of law in accordance with their previous habits, and with the spirit of free institutions to which they had been accustomed ; that this state of things, so derogatory to British justice, is solely maintained by the intervention of Imperial power ; and that the colonists of British and Irish descent, if unrestrained by other ties, would speedily devise the means of emancipating themselves from the galling oppression to which they are subjected by the persecuting spirit and exclusive pretensions of their French opponents.

“ Resolved 7.—That in the opinion of this Committee, it would be impolitic and unwise for the Constitutional party to bestow its confidence or support on His Excellency the Governor in Chief, so long as his present line of policy is adhered to ; or to identify itself with any of the great political parties in England ; and that the only prudent or safe course,

Chap. in the present state of affairs, consists in firmly and
 xxxvii. energetically maintaining the objects and demands
 1836. recapitulated in the reports and addresses of this
 Association.

“Resolved 8.—That the high degree of prosperity which Upper Canada has attained, and the comparative tranquility she enjoys, when contrasted with the condition of this Province, conclusively establish the fact, that other and more exciting causes exist, to disturb the peace of this community, than the agitation of those constitutional questions common to both Provinces; that these causes have been clearly defined and set forth in the addresses of this Association; and that the opposition of the French party to the salutary reforms demanded in those addresses, is the great cause of the dissensions which disturb the peace of society in this Province.

“Resolved 9.—That the selfish, illiberal, and anti-commercial policy of the French leaders, and the inertness of the French population, by withholding co-operation in works of internal improvement, have led our brethren of Upper Canada to look abroad for those facilities which are denied in the natural channel for their trade,—the Saint Lawrence :—That this Association again expresses the earnest hope, that a wise policy will repair the error committed in dividing the former Province of Quebec, and, by uniting, what should never have been disjoined, confer prosperity on this Province, and firmly ally the interests of both.

“Resolved 10.—That the project of annexing the County of Vaudreuil and the Island of Montreal to Upper Canada, would meet with the unqualified approbation of this Association, and would be hailed as a boon only secondary to the union of the two Provinces.

“Resolved 11.—That this Association disclaims any control over the newspaper press of this city, and

is in no respect chargeable with the opinion it promulgates; that this announcement is deemed necessary, to prevent misconceptions, to correct errors, and to give assurance of an undeviating adherence to the principles enunciated in the various addresses and reports of this Association.

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“Resolved 12.—That these Resolutions be published in the Journals of this city.

“By order of the Executive Committee,

“J. GUTHRIE SCOTT, Secretary.”

Another meeting of the Quebec Constitutional Association took place on the 11th March, at which the following were submitted and approved:—

“The Sub-Committee appointed by a Resolve of the Executive Committee of the 2nd March instant, to consider the present state of public affairs in the colony, as connected with the objects of the Association, and to Report if it be expedient or necessary to adopt any, and what measures, in relation thereto,

“REPORT:

“That the Sub-Committee have thought it proper to confine their inquiries into the state of public affairs as affecting the objects of the Association, and of the Petitioners, to the principal events and proceedings which have taken place since the Report submitted to the General Meeting of the 21st January last.

“The then state of affairs as affecting the aforesaid objects, is detailed in the Report made to the General Annual Meeting of the 28th November, and in the said Report of the 21st January.

“The subsequent events and proceedings which have a material bearing on the prospects of the petitioners, are:

“1st. The continued co-operation of a majority in

Chap. the House of Assembly of Upper Canada, in the views
 xxxvii. and objects entertained by the leaders of the ma-
 1836. jority of French origin in Lower Canada.

“2nd. The declarations on the part of His Majesty’s Government, contained in that part of the instructions of the 17th of July, 1835, to the Royal Commissioners sent to this Province.

“3rd. The recent proceedings of the House of Assembly, and more particularly the refusal to vote the arrears due for the last three years, for the support of the civil government, and the administration of justice in this Province.

“4th. The proceedings of Constitutional meetings of the Petitioners throughout the Province.

“Your Committee are aware, that for some years past there has been an active communication between some of the leading members of the Upper Canada and Lower Canada Houses of Assembly, particularly since the general election of 1834. It has been endeavoured to extend these communications to all the North American colonies, by means of hired agents, recently paid out of monies advanced for the contingencies of the Lower Canada Assembly, resident in London, and no pains have been spared by these agents to produce a combined action in all the Provinces, to enable the leading members of the Assemblies to remove all checks to their arbitrary and exclusive control within the colonies, and to repudiate the just, necessary, and lawful authority of the King, which is indispensable to the connection of the colonies with the Empire, and for ensuring peace and justice, and equal protection to all His Majesty’s subjects residing in the said colonies, or resorting thereto.

“It is only in Upper Canada that this combination has hitherto obtained any decided success; and in that Province it only became apparent at the session of the Assembly, last spring, more by the manage-

ment of those connected with the Lower Canada leaders, than by any expressed declaration of the Upper Canada Assembly. Chap. xxxvii. 1836.

“At the session of the Upper Canada Legislature, which opened on the 13th January last, the co-operation before referred to became decided. It will be recollected that, shortly after the opening of the Lower Canada Assembly, on the 27th October last, and previous to the opening of the session in Upper Canada, two persons intimately connected with the Upper Canada leaders, visited Quebec, and had frequent communications with the leading members of the Lower Canada Assembly, when the course to be followed in Upper Canada was probably settled.

“This co-operation of the leaders in the Assemblies in the two Provinces, for objects which evidently have a tendency to the attainment of power and emolument for themselves and associates, has been promoted by the indecision of the British Government during several years, on the attempts made in Lower Canada to obtain from the British Parliament, the subversion of the established Constitution, which is the same in both Provinces, by the abuses which had grown up in some departments of the Local Government, and by the encouragement of final success held out to the parties in Lower Canada, by their hired agents and others, in England. There is, however, reason to believe, that the majority of the inhabitants of Upper Canada, sincerely attached to the countries of their birth, or of their ancestors, and satisfied with the liberal views of the British Government as again made public, will repudiate the unnatural connection into which some of their representatives have entered, and discountenance the encroachments on the authority of His Majesty and the British Empire, which originated not with the people of Lower Canada, but with a few leaders in the House of Assembly.

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"Your Committee have seen, with pleasure, the declarations of His Majesty's Government contained in the despatch of the 17th July last, forming instructions to the Royal Commissioners appointed for this Province, as communicated to the Legislature of Upper Canada, by the recently appointed Lieutenant Governor of that Province.

"This despatch puts beyond a doubt the favorable decision of His Majesty's ministers on the following objects, prayed for by the petitioners for whom the Executive Committee of the Association has acted :

"1°. The independence of the Judges.

"2°. A Tribunal for the trial of Impeachments.

"3°. No modification of the Constitution of the Legislative Council, excepting such as may be 'founded on the principles, and conceived in the spirit of the Constitutional statute now in force.'

"4°. The establishment of some adequate security against the evils which have resulted from the abusive exercise of the powers confided to the Assembly over the public revenues.

"5°. The retention in the hands of the Crown, of the exclusive management and disposal of the waste lands.

"These, indeed, embrace the principal objects prayed for by the petitioners, excepting a better composition of the Executive Council—security for the appointment of fit persons as members of the Legislative Council—a reform in the system of Judicature, and the administration of Justice, and a fair distribution of the representation throughout the Province, concerning all which the views of the British Government have not yet been made public.

"Since the Report of the 21st January, the House of Assembly of this Province has been actively engaged in the most extraordinary line of proceeding ever adopted in a British Province, professing allegiance to the King.

"It has refused or neglected, for several years past, to provide a tribunal for the trial of impeachments. In the 92 Resolutions of the 21st February, 1834, which it has confirmed at every session since, it declared 'His Majesty's officers, both civil and military, a combined faction, induced by interest alone to contend for the support of a government inimical to the rights, and opposed to the wishes of the people.' (Vide 30th and 31st Resolutions.) That 157 of the officers of the civil government were 'apparently of British or foreign origin,' and only 47 of 'French origin;' and that of the Judges in the three great Districts, only one in each was of 'French origin.' (Vide 75th and 76th Resolutions.) At this session it has commenced or renewed accusations against four of the seven Judges of 'British origin,' and against two members of the Legislative Council holding offices under the Crown, two Sheriffs, one Coroner, one Clerk of the Peace, and several others, examining such witnesses, and calling for such documents as the accusers chose to bring forward before Committees named by the Assembly, without any one on the part of the accused to cross-examine such witnesses, or call other witnesses, or evidence; and without hearing the parties, the Assembly, after the most violent appeals to passion and prejudice from some of its members, has pronounced all those whose cases have heretofore come before it, *guilty*, and addressed the Governor for their removal from office.

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"It can hardly be presumed that the Assembly itself expects that any Governor, commissioned by the King, will comply with such Addresses. Great and certain evil is, however, effected by these proceedings. No administration of justice, no officer of government, however pure, able and faithful, could stand against such a system of public calumny, under colour of judicial proceedings, and the appearance of a legal sanction. All these accusations are not only

Chap. spread throughout the Province, and in the adjoining colonies and country, in newspaper reports of the debates in the Assembly, but the Reports whereon these Addresses are founded, are to be forwarded to the salaried Agent of the Assembly, and his assistants in England, to be used in Parliament, and through the press, as documents having a like weight, and entitled to similar credit as Reports of the House of Commons.

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“It matters little what may be the intentions of the movers in these proceedings; the effect is to bring, if possible, the British Government and the administration of justice in the colony into contempt; to alienate the affections of the subject from His Majesty, weaken his allegiance, and undermine British connection, which of late the leaders in that body have affected to cherish.

“That any government should exist in a British colony, which would countenance, or suffer such proceedings to be perseveringly resorted to, is indeed a grievance of which every peaceable and loyal subject is justly entitled to complain, however desirous he may be to see abuses eradicated.

“The effect on the administration of justice, and the due execution of the duties of public officers, is peculiarly alarming. Reduced to a state of extreme distress, from the withholding their just dues by the Assembly, accusations publicly invited, encouraged and rewarded, there are few men who possess a sufficient degree of moral courage to resist the temptation of yielding a corrupt compliance to those who may be their accusers or judges, in the hope of escaping the torture and ruin which has visited or threatened so many of their colleagues.

“On the 9th November last, His Excellency Lord Gosford, Governor in Chief, transmitted a message to the Assembly, with a statement of the arrears due for the service of the civil government on the 10th

October preceding, amounting to £135,617 9s. 10d. sterling, expressing his confidence 'That the House of Assembly will see the necessity of proceeding, without delay, to a consideration of this part of the public accounts.' The amount of the arrears includes £30,519 4s. 2d. sterling, advanced from the military chest in payment of part of these arrears. This was followed the same day by an Address from the Assembly for an advance of £22,000, nominally to pay arrears due, and towards defraying the contingent expenses of the House for the present session, £16,920 of which arrears were included in the general amount of the arrears above mentioned of £135,617 9s. 10d. The whole amount prayed for by the Assembly, viz., £22,000, was advanced by His Excellency on the 11th November.

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"The general statement of arrears was referred by the Assembly to the Standing Committee of Public Accounts, on the 9th November, which, on the 6th January, reported. This Report was finally referred to a Committee of the whole House, on the state of the Province, for the 11th February, on which day a call of the House was ordered. On the 23rd of February a motion to vote the arrears was negatived in Committee of the Whole; yeas 31, nays 42, and the House proceeded to vote half a year's salary to the Governor, Judges and Public Officers, and Departments, &c., from 15th January, 1836, to 15th July, on the estimate submitted by the Governor for the year, from the 10th October, 1835, to 10th October, 1836, leaving out several salaries heretofore sanctioned by the Legislature, and imposing conditions never before so sanctioned.

"With respect to the arrears, and the supply for the current year, thus refused to be voted by the Assembly, His Excellency expresses himself in the speech from the Throne at the opening of the session on the 27th October, as follows: 'I earnestly request

Chap. you to pass such votes as affect the liquidation of
 xxxvii. these arrears, and provide for the maintenance of the
 1836. public servants, pending the enquiry of the Commissioners, to which I have alluded. Should you place the government in this position, I am authorized to engage that no part of the surplus proceeds of the Crown revenue, which may accrue, beyond the charges to which they are at present permanently liable, shall, in the interval of the Commissioners' inquiry, be applied to any purpose whatever, unless with your consent.' With regard to the £30,519 4s. 2d., advanced from the military chest, under the sanction of His Majesty's Government, to meet the pressing exigencies of the public service, His Excellency says, 'His Majesty hopes that an issue made in reliance on the just and liberal feelings of the House of Assembly, and designed for no other purposes, than to prevent a highly inconvenient interruption of the general business of the Province, will be cheerfully paid.'

"After such declarations on the part of the Crown, and after the reception they have received on the part of the Assembly, your Committee presume that no British Ministry can be so wanting to the dignity of the Crown as to submit to further humiliation; and that the offer of giving up the hereditary revenue of the Crown in this Province, in consideration of an adequate civil list, must be withdrawn, as entirely hopeless. The British Government is indeed put to the option of abandoning all pretensions on the part of the Crown to its lawful authority in the Province, or to provide for the payment of its officers, indispensable to the administration of the civil government within the Province.

"The injustice and distress to the parties immediately concerned, the decrease of employment to the industrious classes, from the non-payment of advances, the discontinuance of public works and im-

provements, the want of confidence and insecurity resulting from the inefficiency of government, occasioned by the withholding of the salaries of the Judges and Public Officers, as already set forth in the petitions presented at the last session of the Imperial Parliament, are now increased and more severely felt.

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“ This grievance is indeed become intolerable, and amounts almost to the withdrawal of the King’s protection from his loyal subjects in the colony, which is justly to be deprecated by all, as the forerunner of anarchy and bloodshed.

“ In this point of view, increased watchfulness, activity and union, are more necessary than ever, among all those who are determined to maintain the public peace and their connexion with the countries of their forefathers, together with that freedom and security which they have formerly enjoyed in this portion of the King’s dominions.

“ It has been with the utmost astonishment that, in a printed paper, purporting to be an Address from the House of Assembly of Lower Canada, to His Majesty, and the two Houses of the Imperial Parliament of Great Britain and Ireland, your Committee have read, amongst many other false and injurious assertions, a paragraph, of which the following is an extract: ‘ We have at least the satisfaction of seeing that the inhabitants of this Province, of every creed, and of every origin, are satisfied with the share they have in the provincial representation, and that our fellow-subjects, of the less numerous origin in particular, acknowledge the spirit of justice and brotherly love with which we have endeavoured to ensure to all the inhabitants of the country, a participation in its political and natural advantages. We perceive in this happy union another guarantee of good government, and an antidote against the vicious policy which it is sought to support by unjust distinctions.’

Chap. That any number of men should publicly assert, and
 xxxvii. transmit to the highest authority of the Empire,
 1886. allegations so false and unfounded, and in direct
 contradiction to the petitions of twenty thousand
 men, equal to one-fourth of the greatest number of
 names affixed to any petitions transmitted from this
 country to England, a number, in fact, representing
 nearly the entire body of the inhabitants of this Pro-
 vince, who are not of French origin, shews a reckless-
 ness of character, and wickedness of purpose, which
 could hardly be believed to exist in any country
 where it is not known by melancholy experience.

“The inhabitants of this Province, of every creed
 and of every origin, are *not* satisfied with the share
 they have in the representation; those of the less
 numerous origin, in particular, do *not* acknowledge
 a spirit of justice and brotherly love on the part of
 the majority in the House of Assembly; they deny
 that this majority has *endeavoured* to secure to all the
 inhabitants of the country a participation in its poli-
 tical and natural advantages; they have in every
 County of the Province, publicly proclaimed these
 truths, and every day's experience proves that they
 have no union to expect from the leaders of the As-
 sembly, but an abject submission to their will; no
 government, but that of tyranny, proscription and
 spoliation.

“If any thing were wanting to show the spirit of
 justice and brotherly love which these leaders en-
 tertain for their fellow-subjects, designated in the
 92 resolutions as ‘of British or foreign origin,’ it may
 be found in these resolutions themselves, and in the
 address of their principal author to the electors of the
 West Ward of Montreal, after the last general elec-
 tion. It may be found in the fact that, forming at
 least one-fourth of the population of the Province,
 and contributing much more than a proportionate
 share towards the public burthens, they have only

14 members of their choice out of 88; and if their opinion is to be judged of by the votes of their representatives, ten of the 14 are to be found in opposition to the French origin majority in almost every division recorded in the Journals of the House of Assembly. Every political measure or measures to improve the natural advantages of the Province coming from the majority of the inhabitants of the 'less numerous origin,' is voted down by the majority of French origin joined by those members with English names, who are elected by a French majority, and hold their seats at the nod of the French leaders. In every contested election, a reference to the poll-books will show how completely the votes of the 'less numerous origin' have been nullified by those of the more numerous origin, and how completely marked were these distinctions which the leaders of French origin had so profusely disseminated at the public expense in the 92 resolutions. Had there been any change in the disposition of the French leaders, they would not have renewed their adherence to these resolutions at every session since, and in the Address before alluded to; had they been disposed to do justice to the less numerous origins, they would long ago have taken into consideration the state of the representation, and passed a bill allowing the population not of French origin a representation *of their own choice*, at least proportionate to their whole population.

"Your Committee cannot conceive a greater insult to the victims of an unjust exercise of power and political proscription, than to tell them that it proceeds from a spirit of justice and brotherly love.

"Your Committee, however, trust that, on this head, as well as on others, the grievances complained of in the petitions to the King and Parliament will be listened to, and that the spirit which, for the second time, has rejected the liberal offers and con-

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Chap. ciliatory policy of the British Government, in pursuit
 xxxvii. of uncontrolled power over the King's subjects in
 1836. this Province, will be fully appreciated, and relief
 and protection afforded, especially if they remain true
 to themselves, and do not relax in their exertions.

"As connected with the present state of affairs and the objects prayed for, your Committee cannot refrain from referring to the intense anxiety which prevails among the petitioners for the independent administration of justice, assailed as it is by party and prejudice, and the most unjust and selfish feelings and passions, with hardly any share in the representation; with a Legislative Council threatened in its independent existence, and but feeble in its composition, an Executive, which has yielded to the mandates of the Assembly, the petitioners have no adequate security for their liberties, lives and properties but in the Courts of Justice, and if these were to become the timid and corrupt instruments, or be filled with the avowed partisans and co-operators of a prejudiced and vindictive national majority in the Assembly, as a late appointment* gives reason to apprehend, this condition would be past endurance to men who have been accustomed to value the freedom and security of their British ancestors more than their lives.

"Your Committee, since the date of the last Report of the 21st January, have had occasion to observe, with great satisfaction, the constitutional meetings held in the Counties of Beauce, Megantic, Drummond, Sherbrooke, Stanstead, Missisquoi, Beauharnois and the Two Mountains, and the Town of Three Rivers, and some other places. Their resolutions all breathe a decided support of the Constitution and Laws, and a firm determination to maintain their allegiance to the Sovereign, their connexion with the

* Probably Mr. Bedard's.

Empire, and their rights as freemen. In most of the places of these meetings Vigilance Committees have been formed and the registration commenced, and in some of them, delegates have been named to the proposed general meeting.

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"In most of the Wards in Quebec the registration has been promoted with the greatest zeal by the Vigilance Committees elected at the ward meetings. In one ward alone upwards of five hundred names above 18 years of age have been enregistered, and your Committee conceive that it is of the highest importance, in the present state of affairs, that the recommendations of the general meeting of the 21st January, should be carried into effect in each settlement in every County of the Province, and the registration of all supporters of the King and Constitution completed. This is now become indispensable for the selection of delegates, truly expressing their sentiments in the approaching general meeting on the part of the petitioners throughout the Province.

"The Sub-Committee most respectfully report the following Resolutions for the consideration of the general meeting. All which is humbly submitted.

"*Resolved 1st.* That we deeply regret that a majority of the Assembly of Upper Canada should have been led by a combination of some members of that House, with certain leaders in the Lower Canada Assembly, to co-operate in their unjust, prejudiced, and oppressive views against the population of Lower Canada, which they have qualified as of 'British or Foreign origin,' in the 92 resolutions of the 24th February, 1834, renewed at each session since that date.

"*2^o.* That we entertain a confident hope that our brethren of Upper Canada, true to their Sovereign, attached to the countries of their forefathers, and satisfied with the just and benevolent views of the British Government, recently made public, will

Chap withdraw their confidence from men who have thus
 xxxvii. prostituted their trust as representatives, to enter
 1836. into combinations against the Constitution of the
 Canadas, as by law established, and aid in arresting
 the progress of improvement, destroying the trade of
 the country, and weakening the ties which connect
 us with the British Empire.

“ 3°. That we feel grateful for the expression of
 the views of His Majesty’s Government in England,
 as contained in the instructions to the Royal Com-
 missioners, dated the 17th July, 1835, and laid be-
 fore the Upper Canada Legislature by Sir Francis
 Bond Head, Lieutenant Governor of that Province.

“ 4°. That the recent proceedings of the Assem-
 bly of this Province, in a session which has now lasted
 more than four months, in occupying themselves
 with Bills heretofore deservedly rejected, lost or
 amended in the Legislative Council, in the renewal
 of laws expired by their own desertion of their posts
 at the last session, or in vain and anti-Constitutional
 projects and abortive measures; neglecting or coun-
 teracting beneficial improvements, and to co-operate
 with the other branches for the remedy of abuses;
 in spreading national prejudices, individual abuse,
 calumny and ill-will; and in vindictive, partial, and
 arbitrary proceedings against judges and public offi-
 cers; in the refusal of the just dues retained from
 the judges and public officers and departments for
 several years past, and in the lavish and unchecked
 expenditure of public money, have given additional
 proofs of the truth of the complaints contained in our
 petitions to His Majesty and both Houses of the Im-
 perial Parliament, and new ground for claiming
 effectual and immediate relief from our present suf-
 ferings.

“ 5°. That the following paragraph, among others
 of alike character, contained in a printed paper, pub-
 lished by order of the House of Assembly and addressed

to both Houses of Parliament, viz. : ‘ We have at least the satisfaction of seeing that the inhabitants of this Province, of every creed and of every origin, are satisfied with the share they have in the Provincial representation, and that our fellow-subjects of the less numerous origin, in particular, acknowledge the spirit of justice and brotherly love with which we have endeavoured to ensure to all the inhabitants of the country, a participation in its political and natural advantages. We perceive in this happy union another guarantee of good government, and an antidote against the tortuous policy which it is sought to support by unjust distinctions,’—is a daring violation of truth against which we now protest; an insult to the high authority of the British Parliament and to the people of Great Britain and Ireland, who are thus attempted to be imposed upon; and, as far as respects at least one-fourth of the people of this Province, whom the said Assembly have qualified as of ‘ British or Foreign origin,’ adding insult to injury.

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“ 6°. That we continue to urge on His Majesty’s Government, our just right to a full and fair reform in the representation in the Provincial Assembly, from which, constituted as it now is, we can expect neither justice nor benefit, but unmixed evil and injury, placing us, and the most industrious classes throughout the Province, in a worse situation than if there were no representative Assembly.

“ 7°. That we have seen with great alarm, the attempts recently made to extend to the Court of King’s Bench, and His Majesty’s Courts of Justice in this Province, the spirit which has been exhibited in the Committees of the House of Assembly, and to bring the administration of justice more in the dependency of that House, and to a participation in the character and feelings of its ruling members.

“ 8°. That while we assert our opinions with that freedom which belongs to British subjects, and firmly

Chap. maintain our Constitutional rights, we will never be
 xxxvii. wanting in due respect to the authorities derived from
 1836. our Sovereign ; and we now express our gratitude to
 the Legislative Councillors, who, in discharge of their
 obligations to the Crown and the country, have sac-
 rificed their personal ease and interests in attending
 during the present prolonged session of the Provincial
 Legislature, maintaining the independence of the
 Council, resisting encroachments on the rights of the
 subject, and supporting the Constitution as estab-
 lished by law. That we are equally grateful to those
 members of the House of Assembly who have at-
 tended in their places during the present session,
 and who have steadily divided against the anti-Con-
 stitutional measures and proceedings of the 'French
 origin' majority.

"9°. That we have observed with great satisfac-
 tion, the public meetings and proceedings of our
 brethren in various Counties of the Province, and in
 the adjoining parts of Upper Canada, and we renew
 our pledge of hearty co-operation with all of them,
 conformably to our original declaration in support of
 the King, the Constitution, and our connexion with
 the United Kingdom of Great Britain and Ireland.

"10°. That the thanks of this meeting be given
 to the Vigilance Committees of Quebec, for their
 zealous and successful exertions, and we renew our
 earnest solicitations for the formation of Vigilance
 Committees in every settlement, and a speedy and
 general enregistration of all who support the King,
 the Constitution, and British freedom, to the end
 that they may be prepared, in time, to select dele-
 gates to the proposed general meeting for every
 County in the Province."

" At a Special Meeting of the Executive Committee, held at the Rooms of the Association, on Tuesday, the 8th March, 1836. Chap. xxxvii.
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" A. STUART, Esquire, in the Chair.

" The foregoing Report and Resolutions were read, and unanimously adopted, and ordered to be submitted to a general meeting, to be called for Friday, the 11th instant, at the Albion Hotel, at seven o'clock, P. M.

" At a General Meeting of the Members of the Quebec Constitutional Association, and the signers of the Petitions to His Majesty and both Houses of the Imperial Parliament, presented at the last session, called by public advertisement, and held at the Albion Hotel, on Friday, the 11th March, 1836,

" ANDREW STUART, Esquire, Chairman of the Association, in the Chair.

" The Chairman submitted the foregoing Report, which was read by the Secretary, and on motion the same was received unanimously.

" And on motions made and seconded, the resolutions reported by the Committee were separately concurred in.

" *Resolved*, That the foregoing Report and Resolutions be published in the *Quebec Gazette* and *Quebec Mercury*, under the authority of the Association, and authenticated by the signatures of the Chairman and Secretary, and that copies thereof be transmitted to the Constitutional Associations throughout the Province, and otherwise forwarded in such manner as may be deemed proper by the Executive Committee.

" ANDREW STUART, Chairman.

" R. H. GAIRDNER, Secretary."

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Sir John Colborne, after being relieved of the government of Upper Canada by Sir F. B. Head, proceeded to Montreal, which he reached on the 2nd February, on his way to England *via* New York. This gentleman's arrival at Montreal is thus noticed in the *Montreal Herald*, of the 3rd February :—

“Yesterday evening, between four and five o'clock, Sir John Colborne, Lady Colborne, family and suite, arrived in this city. The cavalry troop was out the greater portion of the day, and an immense number of carioles driving to and fro expecting their arrival every moment. Owing, however, to the excessive cold and the uncertainty of the time of their arrival, the citizens were prevented from testifying their respect and esteem. At every town and village between Toronto and this city, all classes seemed anxious to testify their respect and esteem for ‘the emigrant's friend,’ Sir John Colborne. The inhabitants of Cornwall and its vicinity, ever conspicuous for their loyalty, did not on this occasion shrink from expressing their feelings and opinions. On Saturday evening, between forty and fifty carioles met Sir John about twelve miles above that town, when the band which accompanied them played the airs of ‘God Save the King,’ ‘Rule Britannia,’ and ‘See the Conquering Hero Comes.’ He was then escorted to the hotel, where he remained until Monday morning, when an Address, numerously signed, was presented to him, to which he returned such an answer as might have been expected from such a man. About the same number of carioles escorted him from Cornwall, when they were joined at Lancaster by as many more, accompanied with banners and pipers. The Union Jack, that ‘meteor flag of England,’ which we hope will long wave triumphant in Canada, headed the procession, and others, bearing such appropriate mottoes as ‘Colborne and the Constitution,’ and ‘The Constitution will be upheld,’ added to the animation

of the scene. The Highlanders also presented an Address, to which Sir John replied. The Indians, at St. Regis, fired off a salute as he passed. The whole procession, consisting of about one hundred carioles, went so far as the Province line, when three cheers were given for Sir John and the Constitution. Notwithstanding the unfavorable state of the weather, a number of gentlemen accompanied Sir John from Cornwall to Montreal. Virtue has indeed its own reward, and it must be truly gratifying to the distinguished individual who, yesterday arrived among us, to receive expressions of feeling so well deserved and so honorable to those who have made them."

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IMPORTS OF LOWER CANADA.

From	Vessels.	Tons.	Men.	Value 2½ per cent Goods.	Other Imports.
Great Britain,.....	779	249845	10746	1329214 6 10	255552
Ireland,.....	168	47264	2071	8121 13 5	4913
Jersey,.....	1	220	12	440 6 7	102
Gibraltar,.....	5	583	34	2651 1 6	4140
France,.....	9	2308	81	1296 2 0	1426
Spain,.....	1	195	10		
Portugal,.....	3	493	26	431 19 4	1600
Holland,.....	2	545	25		18
Belgium, &c.,.....	7	1922	84		
British N. A. Colonies,.....	169	17264	835	2261 5 1	83572
British West Indies, ..	40	5825	303	498 4 9	195026
United States,.....	24	6507	273	4824 5 0	10464
Other Places,.....	4	1257	54		
	1212	334209	14554	1349739 4 6	556813
At Gaspé,.....	47	6700	371		7064
New Carlisle,.....	38	5561	289		3553
				567426 0 0	
Total,.....	1297	316470	15214	£1917165 4 6	567430 Strg.

Chap. LE CHIEN D'OR.—The *bas relief* representing a golden dog gnaw-
 xxxvii. ing his bone over the front door of the old stone house, known as
 1836. "Free Mason's Hall," now in part occupied by the Post Office, in
 Buade Street, near the steps, leading from the Upper Town through
 Prescott Gate to the Lower Town of Quebec, has given rise to a
 multitude of fanciful conjectures as to its origin. The house, it
 would seem, was built in 1736, by a Monsieur Philibert, a merchant
 of Quebec. The inscription under the figure is in old, or according
 to modern orthography, bad French. Having very recently inspect-
 ed, I find it to be *verbatim ac literatim* as follows. I have been
 particular in this, believing it of importance to archæologists.

" JE SVIS VN CHIEN QVI RONGE LO



" EN LE RONGEANT JE PREND MON REPOS

" VN TEMS VIENDRA QVI NEST PAS VENU

" QVE JE MORDERAY QVI MAVRA MORDV.

1736. "

Various versions, all for the most part fabulous, have been given to the world of the origin of this legend, from that of Captain Knox, who was in the army, and present at the conquest of Canada, to those of Messrs. Bourne, Hawkins, Lieut. Colonel Cockburn, R. A., and more recently a Canadian gentleman, writing in French, under the signature A. S. S., (supposed to be the late Mr. Soulard, an Advocate of this City,) in "LE CANADIEN." Lieut. Col. Cockburn tells the story thus:

"Passing between the Post Office and the Book-store of Messrs. Thomas Cary & Co., to the Lower Town, the stranger cannot help noticing a gold dog over the door of the latter establishment. The following curious history attaches to this dog: "

"The house was built by Mons. Philibert, a merchant, residing in Quebec in the time of Mr. Bigot, the last Intendant under the French Government, and whose draft upon the Treasury for the expenses of this Country were so enormous that, one of the Queens of that kingdom archly inquired—'whether the walls of Quebec were built of gold?' But to return to the story of the *Chien d'or*, Mr. Philibert and the Intendant were on bad terms; but under the system then existing, the merchant knew that it was in vain for him to seek redress in the colony, and determining at some future period to prove his complaint in France, he contented himself with placing the figure of a sleeping dog in front of his house, with the following lines beneath it, in allusion to his situation with his powerful enemy. (As above.)

"This allegorical language was, however, too plain for Mr. Bigot to misunderstand it. A man so powerful easily found an instru-

"ment to avenge the insult, and Mr. Philibert received as the reward of his verse, the sword of an officer of the garrison through his back, when descending the Lower Town hill.

"The murderer was permitted to leave the colony unmolested, and was transferred to a regiment stationed in the East Indies. Thither he was pursued by a brother of the deceased who had first sought him in Canada, when he arrived here to settle his brother's affairs. The parties, it is related, met in the public street of Pondicherry, drew their swords, and after some conflict the assassin met a more horrible fate than his crime deserved, and died by the hand of his antagonist."

Mr. Hawkins, in his *Picture of Quebec with Historical Recollections* gives the following account: "Mr. Philibert, who resided in this house, was a merchant of high distinction during the time when Mr. *Begon* was Intendant of New France. The latter had formerly been a merchant of Bourdeaux, and came to Quebec in 1712.* Differences occurred between him and Mr. Philibert, over whom superior interest and power gave Mr. *Begon* every advantage. Unable to obtain redress for his injuries real or supposed, Mr. Philibert bitterly, although covertly, expressed his sentiments under the image of the *chien d'or* to which he added the following inscription, &c.

"Mr. *Begon*, determined on revenge, and Mr. Philibert descending the Lower Town hill, received the sword of Mr. de R., a French officer of the garrison, through the body. The perpetrator of this murder made his escape, and left the Province, but the crime was too atrocious to be forgiven. The brother of Mr. Philibert came to Quebec to settle the estate, with a full determination of taking personal vengeance on the assassin. So determined was he to execute this part of his mission, that, having ascertained that Mr. De R. had gone to the East Indies, he pursued him thither. They met in a street of Pondicherry—engaged on the spot, and the assassin fell mortally wounded, under the hand of the avenger. The '*Chien d'or*' remains to perpetuate this tale of bloodshed and retribution."

A very pretty story, truly, of homicide and retribution, but according to the researches of my friend Mr. Jacques Viger, (from whose manuscript on the subject I take my information) nearly altogether fabulous. His inquiries establish the fact that, Mr. Nicholas Jacquin Philibert did, unhappily, on the 21st January, 1748, receive a mortal wound in a sudden quarrel the

* Replaced by Mr. Dupuy in 1726.

Chap. **LE CHIEN D'OR.**—The *bas relief* representing a golden dog gnaw-
 xxxvii. ing his bone over the front door of the old stone house, known as
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" QVE JE MORDERAY QVI MAVRA MORDV.

1736. "

Various versions, all for the most part fabulous, have been given to the world of the origin of this legend, from that of Captain Knox, who was in the army, and present at the conquest of Canada, to those of Messrs. Bourne, Hawkins, Lieut. Colonel Cockburn, R. A., and more recently a Canadian gentleman, writing in French, under the signature A. S. S., (supposed to be the late Mr. Soulard, an Advocate of this City,) in "LE CANADIEN." Lieut. Col. Cockburn tells the story thus:

"Passing between the Post Office and the Book-store of Messrs. Thomas Cary & Co., to the Lower Town, the stranger cannot help noticing a gold dog over the door of the latter establishment. The following curious history attaches to this dog:"

"The house was built by Mons. Philibert, a merchant, residing in Quebec in the time of Mr. Bigot, the last Intendant under the French Government, and whose draft upon the Treasury for the expenses of this Country were so enormous that, one of the Queens of that kingdom archly inquired—'whether the walls of

ERRATA:

Page 307, 3rd line from the bottom, for "1848" read "1748."

to misunderstand it. A man so powerful easily found an instru-

"ment to avenge the insult, and Mr. Philibert received as the reward of his verse, the sword of an officer of the garrison through his back, when descending the Lower Town hill.

"The murderer was permitted to leave the colony unmolested, and was transferred to a regiment stationed in the East Indies. Thither he was pursued by a brother of the deceased who had first sought him in Canada, when he arrived here to settle his brother's affairs. The parties, it is related, met in the public street of Pondicherry, drew their swords, and after some conflict the assassin met a more horrible fate than his crime deserved, and died by the hand of his antagonist."

Mr. Hawkins, in his "*Picture of Quebec with Historical Recollections*" gives the following account: "Mr. Philibert, who resided in this house, was a merchant of high distinction during the time when Mr. Begon was Intendant of New France. The latter had formerly been a merchant of Bourdeaux, and came to Quebec in 1712.* Differences occurred between him and Mr. Philibert, over whom superior interest and power gave Mr. Begon every advantage. Unable to obtain redress for his injuries real or supposed, Mr. Philibert bitterly, although covertly, expressed his sentiments under the image of the *chien d'or* to which he added the following inscription, &c.

"Mr. Begon, determined on revenge, and Mr. Philibert descending the Lower Town hill, received the sword of Mr. de R., a French officer of the garrison, through the body. The perpetrator of this murder made his escape, and left the Province, but the crime was too atrocious to be forgiven. The brother of Mr. Philibert came to Quebec to settle the estate, with a full determination of taking personal vengeance on the assassin. So determined was he to execute this part of his mission, that, having ascertained that Mr. De R. had gone to the East Indies, he pursued him thither. They met in a street of Pondicherry—engaged on the spot, and the assassin fell mortally wounded, under the hand of the avenger. The '*Chien d'or*' remains to perpetuate this tale of bloodshed and retribution."

A very pretty story, truly, of homicide and retribution, but according to the researches of my friend Mr. Jacques Viger, (from whose manuscript on the subject I take my information) nearly altogether fabulous. His inquiries establish the fact that, Mr. Nicholas Jacquin Philibert did, unhappily, on the 21st January, 1748, die of a sword wound he had received in a sudden quarrel the previous day at the hand of a Mr. Pierre, J. B. F. X. Legardeur de Repentigny, a Lieutenant in the French army, born at Montreal, 24 May, 1719, and son of Mr. J. B. Legardeur de Repentigny, who died there in 1741; but that with this quarrel and homicide, neither Mr. Begon, who left the country in 1726, nor Mr. Bigot, who did not come to it before September, 1848, had, nor possibly could have anything to do. The cause of quarrel and whole matter, are clearly and satisfactorily explained by Mr. Viger through

* Replaced by Mr. Dupuy in 1726.

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official and incontestible documents, and judicial records still extant, and that prove the story in so far as Mr. Begon and Mr. Bigot are concerned to be absolutely a fable, and wholly without foundation.

The Registers of the Parish of Quebec, according to Mr. Viger, prove that the family of Legardeur de Repentigny were in the country so early as 1637; and those of the Superior Council in like manner prove that the first Mayor of Quebec was a Mr. J. B. Legardeur de Repentigny, elected to that post by an assembly of citizens, held 7th October, 1663, before the Council, pursuant to an arrêt of that body of the 20th September, 1663, when a Mayor (Mr. de Repentigny) and two Aldermen (*échevins*) were chosen for Quebec.

In the matter alluded to, there was, Mr. V. observes, no assassination. It was an unfortunate homicide arising out of a sudden quarrel between Mr. Philibert and Mr. de Repentigny, as explained by authentic documents of record, and still open to the inspection of any one choosing to consult them. Mr. de Repentigny having, it appears, on the 20th January, 1748, obtained, as an officer of the army, a billet to be quartered upon Mr. Philibert. The latter waited upon him at the lodgings where he then was, in the house of a lady of the name of La Palme, to endeavour to prevail upon him to remain in his lodgings with that lady, and to agree with her for the terms on which she might be willing to accommodate him. Not being able to come to terms with her, he was about leaving the house, observing that he would take steps to cause the billet to be changed. This being overheard by de Repentigny, who it would seem was standing by, he addressed Philibert in a tone to make him understand that he would not part with the lodgings to which his billet entitled him, adding that he (Philibert) was a "*nigaud*" (simpleton) to ask for an alteration of it. This so exasperated Philibert, that after using much violent language to de Repentigny, he struck him with a walking stick he had in his hand, whereupon the latter in a transport of rage drew his sword and ran Philibert through the body, of which he died the following day, "generously forgiving," as the Parish Register attests, Mr. de Repentigny, the unfortunate act by which he had fallen. "The "*chien d'or*" bears the inscription 1736. It consequently can have no reference to this affair which occurred twelve years afterwards.

Mr. de Repentigny, immediately after this unhappy occurrence, withdrew himself from Quebec, going overland, in the winter season, by way of the portage, then known as that of *Trois Pistoles* to *l'Acadie*, now Nova Scotia. Whether he proceeded thence to France is not certain; but, on an application to the French King, setting forth the whole case, letters of grace and pardon were granted him, with which he returned the following year to Canada. These letters of grace and pardon, be it observed, were not final. They were, before having their intended effect, subject to enregistrement (*entérinement*) in the colony, and the facts upon which they purported to be granted were also to be proved, confirmed

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and enregistered before the proper tribunal there. Then, and not till then they were final. All this, it appears, was done with respect to Mr. de Repentigny who, in consequence of it, was fully absolved, as Mr. Viger, by production of a copy of the letters of grace and pardon alluded to, and extracts of the subsequent proceedings clearly shews.

This is sufficient to upset the whole tale as told by the gentlemen I have mentioned. But Mr. Viger does not stop here. Continuing his inquiries with characteristic acumen, he proves by extracts from Parish registers, that the same Mr. de Repentigny was, on the 30th January, 1753, married, at Montreal, to Demoiselle Catherine Archange Payen de Noyan, at which time he was 34 years of age, and a Captain of Infantry—that his first child (Pierre) was baptised there, 14th December, 1753—the second (Victoire Catherine) 21st January, 1755—and finally that, so late as 18th November, 1756, (eight years and ten months after Mr. Philibert's decease,) his third child (a girl) died, at which time he was still alive. Mr. Viger, by still further researches, subsequent to the above, when he lost sight of Mr. Pierre de Repentigny, again finds him honorably engaged in the battle of the 28th April, 1760, on the plains of Abraham, where it is said, by a general order, or some public notice of the action, "the battalion of the City of Montreal, under Mr. de Repentigny, served with the same courage as the regular troops. The same praise is due to the greater part of the Canadians." He was also at the Fort of Jacques Cartier in May following, but what afterwards became of him, Mr. Viger has not been able to learn.

Mr. Louis de Repentigny, a younger brother of this gentleman, went, it also appears, with the French army, after the conquest, to France, whence he was sent as Governor-in-Chief to Senegal, on the coast of Africa, where, after remaining some time he returned to France, and died at Paris, 9th October, 1786, not of a violent death, but of a long and lingering illness, making his will the 4th of that month, before Mr. Lormant, a Public Notary of that City. This gentleman was married at Quebec, 20th April, 1751, to Demoiselle Chossegros de Lery, by whom he had an only son, Louis Gaspard, born at Quebec, 10th July, 1753, and who died at Point Petre Guadeloupe, 2nd July, 1808.

Another account makes a duel take place in France (Paris) between Mr. Pierre de Repentigny, in 1756, and an only son of Mr. Philibert, which *son* Mr. Viger shews, by the way, from the Parish registers, of Quebec, to have been a *daughter*, Marie Anne, the eldest of five children Philibert. This tale also, Mr. Viger observes, is a mere fable—a dramatic incident, as devoid of truth as disgusting by its immorality, inasmuch as at the moment when this supposed only son, that is to say, *Marie Anne*, the eldest daughter of Mr. J. Philibert, left the country for France, in quest of the "*assassin*" of his father, that same assassin was in Canada, persuaded that, as far as human laws could go, he was absolved of homicide, and that no one *compos mentis* could

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any longer call him to account for this untoward incident of his life, inasmuch as: 1st, the victim had on his death bed "*generously forgiven*" him: 2nd, As the widow Philibert had signified to justice under her hand, that she had been paid the damages and civil interests allowed her by the legal tribunals, and had no opposition to the (*entérinement*) passing and confirmation of the letters of grace and pardon by the king: 3rd, As he had the letters of grace and pardon granted him, duly enregistered and confirmed at law before the proper tribunal at Quebec, after complying with all the necessary conditions stipulated in them according to the laws of the realm.

In a letter dated at Montreal, 11th July, 1842, to Mr. Viger, from a Mr. Violet, of Pointe à Petre, Guadeloupe, the Attorney General of the heirs de Repentigny, who was then on a visit to this Province, on their business, it is stated:—"I affirm, in the name of the heirs de Repentigny, and you may without fear affirm it in turn, that never to our knowledge has a Repentigny died slain in duel, or otherwise, by a Philibert, or any relation or descendant of of the family."

Mr. Viger remarks—"after the proofs obtained of the existence of Mr. Pierre de Repentigny, and of his uninterrupted presence either in Acadie or in Canada from 1748 to 1756," (and thence to 1760, as subsequently ascertained) "I may in effect assert, without offence to our bold romancers, that no more than his brother Louis, did Mr. Pierre de Repentigny fall in duel or otherwise, by any Philibert or descendant of that family at *Paris*, more than at *Pondicherry*, and this, for the sole and good reason, that during all this time he had been at neither of these places."

Mr. Viger has, therefore, completely demolished the whole fabrick of those fanciful but false tales relating to the *Chien d'or*," perfectly exposing their fallacy, and satisfactorily explained the manner and cause of Mr. Philibert's death, not by *assassination*, according to one account, at the instigation of Mr. Begon, who had left the country long before, and to another, of Mr. Bigot, who had not yet come to it—both respectable names, and not likely in those chivalrous times to be instigators of such a crime, but by an unpremeditated homicide, arising out of a sudden quarrel between that gentleman and Mr. Pierre de Repentigny, whose good name and fame, as well as those of the Intendants Begon and Bigot, Mr. Viger has rescued from the opprobrium to which those idle tales had consigned them, and given to history, the true version of the matter.

The inquiries of Mr. V. have not only vindicated the memories of those gentlemen, but also afford us an interesting exemplification of the proceedings, pursuant to the king's letters of grace and pardon, in the legal jurisdiction of the colony to which, the cognisance of the matter belonged, and which, presuming it may not be unacceptable to those who like to look into the law proceedings of by-gone-times are here inserted.

[Before the Superior Council at Quebec.]

MONDAY, 29th September, 1749.

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The Council assembled, in which were Mons. the Governor General, Mons. the Intendant, Mons. Varin, Commissioner of Marine at Montreal, de LaFontaine, Estebe, Gaultier, Perthuis, Counsellor, Nouchet, the King's Attorney General, and the Chief Greffier.

To-day, in the audience of the Council, the Letters of Grace having been read, as obtained by Pierre Legardeur, Esquire, *Sieur Repentigny*, Lieutenant of a Company of Troops of the detachment of the Marine, kept up for the King's service in this country, signed "Louis," and countersigned "par le Roy" "*Philippeau*" and "*visa Daguesseau*," for remission to Pierre Le Gardeur de Repentigny, given at Versailles, in the month of April last, and sealed with the great seal of green wax, with folds of silk, who, uncovered and on his knees, in its presence, affirmed that he had given authority to obtain them—that they contain truth, and that he wishes to avail himself of them—the Council has ordained, and ordains, that the said letters and information be communicated to the King's Attorney General, and copy given to the party civil, to furnish means of opposition within the delay of the Ordinance, and that the said *Sieur de Repentigny* be heard and interrogated by M. Jacques de laFontaine, Counsellor, whom the Council has named Commissioner Reporter in the process upon the facts resulting from the said letters and information for the interrogatory made, and also communicated to the said Attorney General, to be disposed of as to right it shall appertain.

"BIGOT."

THURSDAY, 2nd October, 1749.

An extraordinary meeting of the Council being held, at which were Mons. the Governor General, Mons. the Intendant, Mons. Lafontaine, Estebe, Gaultier, Perthuis, Briard Counsellor, Nouchet Counsellor Assessor, and the Chief Greffier. The Council having seen the letters of grace, pardon, and remission obtained by Pierre LeGardeur, Esquire, *Sieur de Repentigny*, Lieutenant of a Company of Troops of the Marine, entertained in this country on His Majesty's service, the said letters, dated in the month of April last, signed "Louis," and upon the back "*by the King Philippeau*," and by the side thereof "*visa Daguesseau*," and sealed with the great seal of green wax, in ribbons of silk, red and green, by reason of the homicide by him committed on the person of Nicholas Jacquin Philibert, Merchant, of this city; information and other criminal proceedings made at the instance of the Lieutenant General, civil and criminal, of the *Prevosté* of this said city, at the request as well of the said Philibert in his life time, as of Marie Anne Guerin, his widow, the substitute of the said Attorney General of the King in the said *Prevosté* being joined—the docket (*écroux*) of self-imprison-

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ment of the said *Sieur de Repentigny*, in the prison of this city, on the 28th September last—Arret of this Council, of the 29th of said month, upon the presentation and lecture of the said letters in the Council Chamber, sitting the Council, holding audience in presence of the said *Sieur de Repentigny*, who, being uncovered and on his knees, and after making oath to say the truth, hath affirmed that he gave authority to obtain them—that they contain the truth, and that he wishes to avail himself of them, by which arret the Council has ordained that the said letters and information be communicated to the King's Attorney General of the country, and copies of the same be given to the party civil, to furnish means of opposition in time fixed by the Ordinance—and that the said *Pierre de Repentigny* shall be heard and interrogated by *M. Jacques Lafontaine*, Counsellor, named by the Council Commissioner Reporter, upon the facts resulting from the said letters and information, and to cause to be ordained whatsoever therein may be fitting—the interrogatory to him put the same 29th of September by *Mons. Lafontaine*, and his answers, confessions and denegations—the signification the same day, made on the petition of the said *Sieur de Repentigny* to *Dame Widow Philibert*, as well of his said *écroux* of imprisonment, of the said letters of grace, and of the arret, with orders to provide within the delay of the Ordinance her means of opposition, if any she have against them—the certificate of signification, made the 30th of September, at the request of the said *Widow Philibert* to the said *Sieur de Repentigny*, by the *Bailiff Thibault*, signed by her and the said *Bailiff*, by which signification she declares she has no grounds of opposition to offer against the *enterinement* of the said letters to her signified, she having been paid damages and civil interests, which justice had granted her, leaving it for the rest to justice, on the shewing of the said letters, notwithstanding the delay accorded her—conclusions of the King's Attorney General of the first of the month—and heard and interrogated the said *Sieur de Repentigny* on the case imposed on him in the said letters of the follow- tenor:—

“*Louis*, by the Grace of God, King of France and Navarre, to all present and to come, Greeting:—We have received the humble supplication of the *Sieur de Repentigny*, Lieutenant of the Troops, kept up in our service in Canada, making profession of the catholic apostolic and Roman religion, setting forth that, having had a billet, the 20th January, 1748, for his lodging in his aforesaid quality, at the residence of *Nicolas Jacquin Philibert*, merchant, in Quebec, the latter came to the lodging of a woman by the name of *La Palme*, with whom the petitioner then lodged, to induce her to continue to lodge him, but that not agreeing on the terms with this person, the said *Philibert* observed, that he would get the billet changed; that the petitioner, who at that moment accidentally was within hearing, addressed himself to *Philibert*, and in a tone to give him to understand that he would not be deprived of the lodging he (*Philibert*) was bound to give him, adding, that he was a *nigaud* (*simpleton*) to endeavour to procure the change he

intended; that Philibert, instead of taking this as an advice by which the petitioner intended to calm the uneasiness the billet gave him, allowed himself to be carried away by his temper, naturally violent, and not satisfied with using to the petitioner the most opprobrious and atrocious abuse, struck him with a cudgel; that the petitioner, finding himself so struck, in the first movement, of which he was not the master, drew his sword, and made a thrust at Philibert, who died of it shortly after, to the great regret of the petitioner; that, although this misfortune occurred without any premeditated design, and at a moment when the petitioner had no longer the liberty of remaining without defence, the Judges at Quebec had raised a procedure, by reason whereof he thought he ought to be absent, and could not presume to present himself without previously obtaining our letters of grace, pardon and remission, which he humbly has prayed us to grant him. For these causes—willing to prefer mercy to the rigour of the laws, by the advice of our Council, and of our special grace, full power and royal authority, we have to the said Sieur de Repentigny released, remitted and pardoned, and by these presents, signed by our hand, do release, remit and pardon the fact and case, such as it is, herein above exposed, with all the pains, fines, and corporal liabilities, civil and criminal, which, by reason thereof, he may have incurred towards us and justice, and extinguish all decrees, defaults, contumacies, sentences, judgments and arrets that may have taken place against the petitioner. We place and restore him to his good fame and name, and to his property not otherwise confiscated, satisfaction made to the party civil, if due and not done. Impose we also silence perpetual as to this upon our Attorney General, his substitutes present and to come, and upon all others. Wherefore command we our loving and faithful subjects holding our Superior Council at Quebec, in the jurisdiction whereof the fact herein above mentioned occurred, that they cause these our present letters of grace, pardon and remission to be *entérinées*, and of the contents thereof to cause the petitioner to enjoy fully, peaceably and perpetually, discontinuing, and causing to cease, all troubles and opposition to the contrary, on the charge that he do present himself for the *entérinement* of the present within six months, on pain of nullity thereof. For such is our pleasure, and to the end that it be a matter firm and stable for ever, we have annexed our seal hereunto. Given at Versailles, in the month of April, year of grace 1749, and of our reign the thirty-fourth. Signed, 'Louis,' and on the fold, 'par le Roy, Philippeau, visa Daguesseau.'"

Heard the report of Mons. Jacques Lafontaine, Counsellor, and the whole being considered, the Council has *entériné* the said letters of remission for the enjoyment thereof, to the effect and contents thereof, by the said Sieur de Repentigny, according to their form and tenor.

"DELAFontaine."

"BIGOT."

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Mr. Viger, in concluding, remarks on the above,—“Here we finally have obtained a perfect knowledge of the following facts:

“1st. That the *bas relief du chien d'or* was not placed, as in our day we see it stated, in consequence of a difference between M. Philibert and M. Begon or M. Bigot.

“2nd. That Messieurs Begon and Bigot having had no cause of offence at it, or to dream of vengeance in consequence, cannot have connived in any manner at the ‘assassination’ of M. Philibert.

“3rd. That the homicide took place in 1748, and not in 1736, that is to say, at a date when neither M. Begon nor M. Bigot was in Canada.

“4th. That M. Philibert was, in fact, slain by a M. Pierre Le-gardeur de Repentigny, an Officer of the Troops in the Colony.

“5th. That this M. de Repentigny did not slay M. Philibert in assassin, and to avenge a pretended insult made to a third person, but involuntarily caused his death in a personal quarrel with him, in which he himself was first insulted and struck by Mr. P.

“6th. That M. de Repentigny, by petition to the King, obtained, in April, 1749, letters of grace, pardon and remission, under the three conditions: 1st, of the truth of the allegations of his petition to the King; 2nd, of indemnifying, at civil law, the heirs of the deceased, if the case required it; 3rd, of making the letters of grace available (i. e. *entièrement*) within six months after date.

“7th. That having satisfied these conditions, as appears by the judicial proceedings noticed, those letters were confirmed by ‘*entièrement*,’ at Quebec, 2nd October, 1749, by the Superior Council, in consequence whereof M. de Repentigny was from that day held to be acquitted of the death of M. Philibert, and could not thereafter in reason be subjected to answer for the accident towards any member of the family Philibert.

“8th. That with respect to the pretended duel between him and the brother of M. Philibert, in one of the streets of Pondicherry, shortly after the homicide, it is a fact disproved, inasmuch as it is seen that M. de Repentigny appeared in person before the Superior Council at Quebec, 29th September, 1749, with the letters of grace in his hand, not complaining,” observes facetiously Mr. Viger, “that he had been killed in a duel by M. Philibert’s brother during his absence from Quebec, but demanding the *entièrement* of his letters.”

The cause that may have induced the builder of the house to place above his door the *bas relief*, and the inscription remains an enigma.

R. C.

Quebec, December, 1852.

FERRATA.

- In page 236, for Rivaud, (after Rimouski) read Rivard
 “ 237, for Borough St. Henry, read William Henry
 “ 243, for reputation, in 6th line after “Chapter,” read refutation.

CHAPTER XXXVIII.

Late spring—The Commissioners—Proceeding of Constitutional Chap. Association of Quebec—Meeting of delegates at Montreal—Sir xxxviii John Colborne at Montreal, on his way to England, via New York—Receives despatches at New York, and returns to Montreal to take the command of the forces—Lord Gosford convokes the Legislature—Proceedings therein—Prorogation—Report of the Executive Committee of the Quebec Constitutional Association—Sir C. Grey and Sir George Gipps depart for England—Resolutions of the House of Commons on Canadian affairs—Great meeting at St. Denis—Proclamation by Lord Gosford—Great loyal meetings at Montreal and Quebec—News of the King's demise—Queen Victoria proclaimed—Great agitation and seditious doings throughout the Province—Proceedings in the Imperial Parliament—Provincial Parliament again convoked—Proceedings—Prorogation—Demonstration from Glen- gary in Upper Canada—Address from Constitutional Association of Montreal relating to an union of the Canadas—Fils de la liberté—Montreal rifle corps again—Great Constitutional meeting at Montreal—"Mandement" by the Roman Catholic Bishop of Montreal—Death of the Right Rev. C. J. Stewart, Lord-Bishop of Quebec—Quebec and Montreal destitute of police.

The spring and opening of the navigation of the St. Lawrence, in 1836, were among the most backward on record, the ice *pont* at Quebec, which this time had formed itself in an unusually rough manner, being constituted of broken and jammed masses thrown up into hillocks, not breaking up until the 8th May.* An extraordinary quantity of snow had fallen in Lower Canada, and throughout the neighbouring States of Maine, Vermont, Massachusetts and New York.

The Commissioners, Sir Charles Grey and Sir George Gipps, who had attended the Earl of Gosford from England, were, during the late winter, attentively engaged in the investigation of the serious matters to which their enquiries were directed by

* In 1764 the river St. Lawrence was frozen over with smooth ice, and only went away on the 9th May. The same year the Thames was frozen. (Quebec Gazette, 11th May, 1836.)

Chap. the minister. Easy of access to all persons desirous
 xxxviii of their acquaintance, freely mingling with the poli-
 1836. ticians of both parties, hearing their remonstrances,
 and receiving information from all who were dis-
 posed to communicate it, but cautious of imparting
 their own views to any, they were in fact popular
 with the country, though overlooked and slighted by
 the Assembly. Much was expected of them, but it
 could not be supposed that their opinions would be-
 come known until officially reported to the govern-
 ment, and their discretion in this respect was uni-
 versally acknowledged, not the slightest hint having
 transpired through any one of them, or their *attachés*,
 significant of the views they entertained of the vari-
 ous matters committed to their enquiry, until their
 Reports were laid before the Imperial Parliament.
 The Secretary to the Commission, Mr. T. Fred.
 Elliot, had been an official in the Colonial Office, and
 by that means had become well acquainted with the
 affairs of the Province. He was, besides, generally
 acknowledged to be a man of business and talents,
 as well as tact, and on the whole very proper for the
 duties he had to perform under the Commissioners.

The Executive Committee of the Constitutional
 Association at Quebec, recommended by a resolution,
 (of which public notice, early in May, was given in
 the newspapers,) the formation of a Select General
 Committee of the petitioners who had lately ad-
 dressed His Majesty and the two Houses of Parlia-
 ment, to meet at Montreal, on the 23rd June, and
 that for this purpose they should, on the 23rd of May,
 elect at the several places mentioned in the notice,
 delegates to be present at the convention. Dele-
 gates were consequently named from various parts of
 the Province, who accordingly met at Montreal.

The following resolutions were adopted, but it
 does not appear that they were practically followed
 up:—

“ That an agent or agents be now appointed, and do proceed to England, to forward the views of this Select General Committee. Chap. xxxviii

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“ That the said agent or agents be instructed to present and support a petition to His Majesty, praying the recall of His Excellency the Earl of Gosford, from the government of this Province; and that he, or they, be further instructed to urge on the attention of His Majesty, and the two Houses of the Imperial Parliament, the petitions presented in the year 1835, by the British and Irish inhabitants of this Province, praying for justice.

“ That the Chairman and twelve members of the Select General Committee, be now named a Committee to prepare instructions for the guidance of such agent or agents, in strict accordance with the Reports of the several sub-Committees received and adopted on the 27th June instant, and with such resolutions as have been, or may be, passed by this Select General Committee; and that the said Committee do also form a Committee of Correspondence with the said agent or agents.

“ That this Committee do adjourn to the call of the Chairman and ten members, and that twenty days notice, at least, be given of the time and place of meeting.”

It is to be observed, however, that the above resolutions were not generally approved, even by the Constitutionalists, particularly those in Quebec, and for this reason, it is believed, they were allowed to lapse.

Sir John Colborne having been, at his own request, owing to a disagreement with the Colonial Minister, Baron Glenelg, on public matters in Upper Canada, relieved of the government of that Province by Sir Francis Bond Head, reached Montreal on the 1st of February, on his way to England via New York. His progress from Toronto to that city had

Chap. been one splendid procession throughout, the inhabitants along the whole route turning out to receive the ex-Governor, and accompanying him in vast multitudes, in carriages and on horseback, from village to village. At Montreal he was received with the warmest acclamations by the British population. He remained until the 19th May, when he proceeded with his family to New York, intending to embark for England. At this city he met despatches from the Colonial Minister, and from Lord Hill, Commanding in Chief, appointing him Commander in Chief of the Forces of the two Provinces, with the local rank of Lieutenant General. Sir John Colborne, after visiting Washington and several other parts in the United States, accordingly returned to Montreal, notifying by a general order of the 1st July, 1836, his assumption of the command of the forces in the Canadas. His return was universally hailed by the loyal in both Provinces, and lucky for them was it that he did return.

The Earl of Gosford summoned the Provincial Parliament again to meet on the 22nd of September for the despatch of business, and which he opened with the speech following :—

“Gentlemen of the Legislative Council.

“Gentlemen of the House of Assembly.

“The events which marked the close of the last Session of the Provincial Parliament have occasioned your being convened at this unusual season of the year.

“The Address on the state of the Province then voted to His Majesty by the House of Assembly, having been laid at the Foot of the Throne, I feel it my duty to avail myself of the earliest opportunity of communicating the answer which His Majesty has been graciously pleased to return thereto. I shall therefore transmit a copy of it, in the usual way, to

the House of Assembly ; and shall, at the same time, in obedience to the King's express commands, place before both Houses, the instructions under which I assumed the Government of this Province, as well as those addressed to myself and my colleagues in the Royal Mission.

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“ Gentlemen of the House of Assembly.

“ In compliance with the injunctions of His Majesty, I have again to recommend to your attention the estimates for the current year, and also the accounts showing the arrears due in respect of the Civil Government, which were laid before you during the last Session. The King has observed that you were induced, in that Session, to grant the supplies only for six months, and to prefer the complaints contained in your Address, apparently in consequence of the publication of a few detached passages from the instructions to which I have alluded, and of inferences drawn from them, which a knowledge of their entire contents must be expected to remove. His Majesty thinks it therefore but just, that you should not be held to be committed to a course adopted under a misconception, but should have an opportunity of reconsidering your conclusions with the full information as to the views and intentions of His Majesty's Government, which you will derive from the perusal of the whole of the documents to be laid before you ; and he trusts that, upon your becoming acquainted with their general tenor and spirit, you will accede to the application which I made to you at the commencement of the last Session, and which I am commanded now to renew, for payment of the arrears due on account of the public service, and for the funds necessary to carry on the Civil Government of the Province.

“ That the business of the Government cannot be carried on successfully whilst the salaries of the

Chap. public servants remain unpaid, is too obvious. I hope,
 xxxviii to leave room for a suspicion on the mind of any one
 1836. that, in making this renewed demand for the liqui-
 dation of these just claims, either His Majesty's
 Ministers in England, or I, who bear his delegated
 authority in this Province, can have any object in
 view, separate from the public good.

“Gentlemen of the Legislative Council.

“Gentlemen of the House of Assembly.

“As this meeting of the Legislature has been convened for the purposes I have already mentioned, and as a prolonged absence from your homes at this particular season of the year, may be attended with inconvenience to you, it is not my present intention to recommend any other matters to your consideration. I cannot, however, refrain from congratulating you on the summer having passed away without any signs of epidemical disease, for which we ought to feel deeply thankful, nor from publicly expressing my gratification at the reception I every where met with, in my recent visits to different parts of the Province.

“It is to me matter of the highest satisfaction to know, that the exposition which I made to you at our first meeting of the views and policy of His Majesty's Ministers towards this country, and of the principles which should guide me in the administration of its affairs, is fully borne out in the documents which I shall lay before you, and has met with the approbation of my Sovereign. From the day I entered on my arduous duties, I have to the very utmost of my ability acted up to the principles I professed; nor have I ever ceased to remember, that the two first objects of my Government were the removal of abuses and the reconciliation of opposing parties. By caution, by forbearance, and by the exercise of what I believe to be a liberal policy, I

have sought to promote the welfare of the Country, and to gain your confidence. If I succeed in this latter object I shall rejoice at it, principally because it will afford me the means of doing the greater good; and if I fail of success I shall always be consoled by the consciousness of having labored earnestly to deserve it.”

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The Assembly immediately after receiving his Excellency's Speech, resolved that it would, on Monday next, (27th instant) go into Committee of the Whole, to take into consideration the state of the Province.

The following Address in answer to the speech was agreed upon by the Assembly, and presented to his Excellency:—

“ May it please Your Excellency :

“ We, His Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, humbly thank Your Excellency for the Speech delivered from the Throne at the opening of the present Session. We in like manner express our thanks for the promptitude with which His Majesty's Government has, as Your Excellency has been pleased to inform us, in compliance with the desire expressed by us in the last Session, sent so early an answer to the Address then voted by us, after mature deliberation, upon the State of the Province. We beg Your Excellency to be assured that that Address contained the faithful and sincere expression of our wishes, opinions, and wants; at the same time, that it was calculated to remove every doubt respecting the spirit of liberality in which this House would receive the necessary reforms in the institutions and administrations of the Government of this Province, so long prayed for by this branch of the Legislature, and by the body of the people. We therefore trust that the answer will be

Chap. explicit and satisfactory, and tend speedily to remove
 xxxviii the obstacles which have hitherto prevented the
 1836. correction of abuses, the redress of grievances, and
 the prosperity of the Province.

“With this hope, whatever inconvenience we may suffer from the particular season of the year in which the Legislature has been assembled, any personal sacrifice will be deemed of little moment ; and we beg to assure Your Excellency that, on every occasion in which we are called upon to exercise the powers entrusted to us, we shall consider it one of the highest and most imperative of our duties to devote our attention to the removal of the evils under which the people of this Province have laboured and still continue to labour, and to protect them from the effects of a system which has corrupted the Provincial Government, and which has even driven the highest authorities in the Empire to acts and measures injurious to the liberties of His Majesty’s faithful Canadian subjects.

“We have not deemed it necessary to enter in detail upon the consideration of the various subjects adverted to by your Excellency, until such time as, according to promise, Your Excellency shall have more fully communicated to us the reasons which have caused the convocation of the Provincial Parliament. Your Excellency, in limiting the subjects to which you have called our attention under the present circumstances, has, no doubt, been actuated not only by the motives expressed by your Excellency, but, moreover, by the consideration that although this House has, during the great length of the last Session, zealously laboured for the welfare of the Province, and with that view adopted many measures which we deemed to be in accordance with the intention of His Majesty’s Government. Our labours have been rendered abortive, in consequence of the systematic rejection by the Legislative Coun-

cil of all the projects of law calculated to remedy the past, to protect the people for the future, to enlighten them and advance their moral welfare, to improve their social and physical condition, and to entrust them with those powers and influence in the Constitution, the administration of laws, and the management of their local affairs, to which they are entitled, and which are guaranteed to them by the very principles of Government.

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"The circumstance of that body having continued unchanged, must necessarily preclude the idea that His Majesty intended to harrass the country by the repetition, during the present Session, of scenes so discreditable to the vicious Constitution, which it is, notwithstanding, attempted to uphold. Your Excellency, as well as the authorities of the Mother Country, must now be convinced, that the best intentions of the head of the Provincial Government, and partial reforms in the details of the administration, must constantly prove abortive when opposed to a system convulsed by elements essentially adverse, and in which we behold on the one hand, the people in conjunction with this House, demanding the unrestrained exercise of the powers and rights of British subjects, with a Government established upon a just basis applicable to the condition of the Province, together with the maintenance of guaranteed and endeared institutions;—and on the other hand a branch over which the Country has no control, which has invariably shewn itself hostile to its institutions and its inhabitants, and which has not ceased to excite and to foster attempts at disorganization, oppression, divisions and hatreds, political ascendancy and exclusive rights for one portion of the people, and degradation for the mass of Canadians of every origin, the most attached to the permanent interests of the Country, and the best adapted to strengthen the Government. It is

Chap. between these two irreconcilable systems that we
 xxviii trust His Majesty's Government have come to a
 1836. determination, in accordance with our humble
 prayers. If our hopes be realized, we feel certain
 that the rules which Your Excellency declares to
 have guided you in the discharge of your arduous
 duties, caution, forbearance, and the exercise of a
 liberal policy, cannot fail of success.

"We are convinced of the sincerity of Your Excellency when you declare that you will rejoice in having sought to promote the welfare of the country and to gain its confidence, and that one of the first objects which Your Excellency has endeavoured not to lose sight of, has been the removal of abuses. We entreat Your Excellency to fulfil, as far as it lies in Your Excellency's power, the arduous task which has been assigned to you, and above all we beseech Your Excellency, in pursuance of the attachment which Your Excellency declares that you feel towards Canada, to be pleased not to rest satisfied with partial and ineffectual reforms, but to ascend to the source of the evils under which we suffer, and to become the lasting Benefactor of the Country—by helping to secure to the people and to this House the exercise of all their rights, to procure the repeal of such Legislative enactments as have encroached thereon, and the removal of the abuses which have fettered the exercise thereof, and to introduce in our institutions, particularly in the Constitution of the Legislative Council, those changes confidently demanded by this House and by the people, in such a manner as to fix the Provincial Government upon a firm and liberal basis, and thereby to afford us a pledge of future prosperity, and, conformably to our expressed conviction, many years of security, peace and happiness."

To this Address, delivered on the 27th of September, His Excellency replied:

"I thank you for this Address, and I shall take Chap. care that, in pursuance of the promise made in my ^{xxxviii} Speech from the Throne, no time shall be lost in 1836. laying before you the answer of our most Gracious Sovereign, to your Address of last Session, on the state of the Province. I shall at the same time cause to be communicated, the other documents which His Majesty has commanded to be presented to you."

On the same day, immediately after making the above reply, His Excellency sent down the following message:

"In pursuance of the intention expressed in his Speech, at the opening of the present Session, the Governor in Chief transmits to the House of Assembly a copy of the answer which the King has been graciously pleased to return to the Address on the State of the Province, voted to His Majesty by the Assembly during their last Session; together with a copy of the Instructions under which the Governor in Chief assumed the Government of this Province, and of those addressed to himself and his colleagues, in the Royal Commission.

"DOWNING STREET,

"7th June, 1836.

"MY LORD,—His Majesty having had under his consideration the Address of the House of General Assembly of Lower Canada, on the state of public affairs in that Province, has commanded me to convey to the House, through Your Lordship, the following answer:

"The King contemplates with deep regret the ill success of His Majesty's efforts to remove from the minds of the Representatives of the people of Lower Canada, those distrusts and jealousies with which they appear unfortunately to have been affected. Conscious, however, that His measures have been dictated by an earnest solicitude for the welfare of all

Chap. classes of His Canadian Subjects, unmixed with any
 xxxviii motive of a less just and liberal character, His
 1836. Majesty awaits with tranquillity the result of this
 long and painful discussion, assured that when the
 misconceptions of the moment shall have passed
 away, His labours for the prosperity of Lower Canada,
 will be repaid by the confidence of the inhabitants
 of that Province, of whatever class or national origin.

“ His Majesty is sustained and encouraged in these
 hopes by observing that, the House of Assembly were
 led to grant the supplies only for six months, and to
 prefer their present complaints, apparently in conse-
 quence of the publication of some detached passages
 from my Despatch of the 17th of last July, on which
 passages the House have founded the remark “ that
 the researches authorized by His Majesty for the
 purpose of ascertaining the means of doing justice
 to His Canadian Subjects, were on several of the
 most essential points, limited by pre-conceived
 opinions and anticipated decisions.

“ This supposition, even if it had received any
 countenance from the insulated extracts from my
 instructions to you and your colleagues in the Canada
 Commission, which were brought under the notice
 of the House of Assembly, would have been entirely
 removed if the House had been in possession of the
 whole of those instructions. They would have found
 not only that the general tenor of those Instructions
 favored an entire freedom of enquiry and judgment
 by the Commissioners, but that the most unequivocal
 language had been studiously employed, for the
 express purpose of counteracting the opposite opinion.
 I know not how it would have been possible to have
 expressed His Majesty’s gracious intentions in terms
 stronger or more unambiguous. In my Despatch of
 the 17th July last, I stated that, “ although your duty
 as Commissioners would be exclusively to enquire,
 to deliberate, and to report, yet within the sphere

of that duty you were placed under no restrictions excepting such as the necessity of the case, or your own judgments might prescribe.' Chap. xxxviii

1830.

"I concluded my instructions by disclaiming 'the remotest intention of fettering your discretion, or of restricting in any degree the exercise of your own judgments, either as to the subjects of enquiry, or the opinions at which you may arrive.' I observed that in the course of your investigation new topics would occur to you, and new views of topics already familiar would present themselves. 'You will not' I added, 'on any occasion, or for any reason, shrink from the explicit declaration of your sentiments. You will not decline any enquiry, the prosecution of which may promise benefit to the Colony or to the Mother Country.'

"If the whole of my despatch of the 17th July had been before the House of Assembly, they would have found in these and in other passages, a sufficient disproof of the supposition that your enquiry was limited by any pre-conceived opinions or anticipated decisions.

"It is indeed true that, in approaching this subject, I recorded reasons which strongly enforce the closest possible adherence to the existing Constitution of Provincial Government. In every part of His extensive dominions, it has been the constant object of His Majesty to correct real abuses, and to introduce such improvements as the existing state of society, and the deliberate voice of public opinion have appeared to demand. But to reconcile necessary changes with the stability of political and social institutions has been no less an object with His Majesty. At once to reform in the spirit of the Constitution, and to oppose changes conceived in a contrary spirit, is a duty which the King will never shrink from avowing his intention to fulfil.

"In conformity with this rule you were directed

Chap. to 'apply yourselves to the investigation of this part
 xxxviii of the general subject, endeavouring to ascertain
 1836. how far the Legislative Council has really answered
 the original objects of its institution, and considering of what amendments it may be susceptible.' You were also informed that when your 'Report should have been received, His Majesty would take into his most serious consideration the questions whether there are any amendments in the law on this subject, which it would be fit to propose for the consideration of the Imperial Legislature, and which, being founded on the principles and conceived in the spirit of the Act of 1791, may be calculated to render the practical operation of that statute more conformable to the wishes and intentions of its framers.'

"If it be enquired what definite meaning is to be attached to the terms which I have thus employed, I answer that the principle of the Constitution of 1791, is, that there shall be two distinct and independent Houses of Legislature. Adhering to this general principle, it remains for your lordship and your colleagues, acting on the instructions addressed to you as Commissioners, to enquire how the most effectual means can be taken for securing such a Legislative Council as shall enjoy at once a due share of public confidence, and a full exercise of an enlightened and independent judgment on all matters submitted for its consideration.

"The fears of some and the hopes of others, have placed a more narrow construction on the extracts of my Despatch of the 17th July. In disavowing that meaning I make no new concession, but simply adhere to the views which I was honored by his Majesty's commands, to express before. Such as the intentions of His Majesty's confidential advisers were on this subject in July last, such they still continue.

"The Address further advances a complaint con-

nected with the Executive Government of Lower Canada, a complaint which does not find a place either in the 92 resolutions of 1834 or in any of the earlier Addresses or votes of the House of Assembly. The house now, however, state the necessity of establishing in the Province what is termed 'a responsible and popular government.'

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" Understanding these expressions in their obvious sense, His Majesty is happy to declare that they do not advance beyond the principles by which it is His pleasure and command that the Executive Government of Lower Canada should be administered. It is His Majesty's desire and injunction that full and early explanations should be afforded to the Representatives of the people, of all important measures adopted by the government; that the Assembly should enjoy the most ample opportunity of explaining both to the King, himself, and to His Majesty's Representative, in the Province, their opinions and their wishes respecting every such measure; that the imputed misconduct of any public officer, with the exception of His Majesty's Representative, the Governor, who must be responsible directly to the King and the Imperial Parliament, should be closely and impartially investigated, that means should be devised for bringing to trial and punishment within the Province, itself, every such officer to whose charge any malversation in office may be laid; and that effectual security should be taken for the zealous co-operation of all subordinate officers in every measure advised by the Legislature and sanctioned by the King for the general welfare of His Majesty's subjects.

" The Address of the Assembly calls upon His Majesty to recommend to Parliament the repeal of the British statute respecting the tenures of land in Lower Canada. If the House had been in possession of my Despatch of the 17th July, they would

Chap. probably have waived this application. They would
 xxxviii have been aware that the reluctance of the King, to
 1836. recommend to Parliament any measure which could
 be plausibly represented as an unnecessary interference
 with the internal affairs of the Province, is the single
 obstacle to the introduction of a Bill on that subject.

“The Address proceeds to demand the repeal of the Act and the revocation of the Charter under which the British North American Land Company is incorporated, and the resumption of the lands which have been sold to them. I shall not, I trust, be thought forgetful of what is due to the privileges and dignity of the House, if I do not shrink from the avowal of any opinion deliberately entertained by the Ministers of the Crown, though it be not in accordance with the sentiments of the Representatives of the Canadian people; I must, therefore, state that His Majesty's Government cannot proceed to the consideration of the questions raised by the Assembly respecting the British North American Land Company, unless it can first be established in due course of law that the claim of the Company to their corporate character and to their lands is invalid. No considerations, however urgent, of temporary or apparent expediency, not even the desire to conciliate the good will of the Assembly of Lower Canada—than which no motive can be of greater weight,—could reconcile His Majesty to a measure, the principle of which would endanger the foundation of all proprietary titles, and all social rights.

“The remaining topics embraced in the Address require, on the present occasion, no very lengthened notice, because, when attentively considered, that document does not appear to advance any principle respecting them essentially different from those which are admitted or maintained in my Despatch of the 17th of July.

“Respecting Judicial independence, the Assembly

frankly admit the entire coincidence between the opinions of His Majesty's Ministers and their own. Chap. xxxviii

"With regard to the settlement and management of the uncleared lands, and to all questions of finance, I trust I am not mistaken in supposing that no essential difference in principle exists between the sentiments contained in the Address, and those expressed in my despatch of the 17th July. 1836.

"And now, referring to the preceding remarks, I conceive myself entitled to state, that there did not exist during the last Session any real or substantial difference of opinion between the Ministers of the Crown and the House of Assembly, on any question regarding which His Majesty's Government felt at liberty to take any immediate proceedings. No single complaint had been alleged which had not been either promptly removed, or made the subject of impartial enquiry. No mal-administration of the affairs of the Province was imputed to your Lordship. Without any actual controversy with the Executive Government, the House, however, declined a compliance with the proposition to provide for the arrears and for the supplies pending the enquiry. His Majesty does not deny that this is a power which the law has entrusted to the representatives of the people. But he cannot admit that, on the present occasion, the recourse to the exercise of that power can be attributed to any indisposition on the part of His Majesty to accord the fullest measure of justice to His Canadian subjects. On a review of all the circumstances of the case, His Majesty's Government are led to the conclusion, that the course pursued by the House is to be ascribed to the misapprehension of the tenor of your Lordship's instructions, induced by the publication of a few detached passages from them. Your Lordship will, therefore, communicate to the House a complete copy of those instructions, and will renew your application for the arrears now

Chap. due to the public officers, and for the funds neces-
 sary to carry on His Majesty's service.

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"I have the honour to be, my Lord,

"Your most obedient servant,

(Signed,) "GLENELG."

The message and documents accompanying it were referred to the Committee of the whole House on the state of the Province, which was to sit on that day. The Assembly, after deliberating in Committee during several sittings, finally reported on the 30th September, an Address to His Excellency, which was adopted on a division of 58 to 6,* and presented on the 3rd October, to His Excellency, in the following terms:—

"We, His Majesty's faithful and loyal subjects, the Commons of *Lower Canada*, in Provincial Parliament assembled, respectfully approach Your Excellency for the purpose of further replying to certain parts of the Speech which it pleased Your Excellency to deliver at the opening of the present Session; also to a Despatch from His Majesty's Principal Secretary of State for the Colonies, dated Downing-street, 7th June, 1836, which, with various documents, you were pleased to cause to be laid, according to promise, before us.

"Referring to our Address to His Majesty on the State of the Province, dated 26th February, 1836,

* YEAS.—Messieurs Amiot, Bardy, Barnard, Berthelet, Bertrand, Besserer, Blanchard, Blanchet, Bouffard, Boutillier, Careau, Chénier, Côte, Courteau, Déléigny, Desautier, De Tonnancour, DeWitt, Jacques Dorion, Pierre Antoine Dorion, Charles Drolet, Joseph Toussaint Drolet, Dubord, Fortin, Fraser, Girouard, Godbout, Grannis, Hébert, Hotchkiss, Huot, Jobin, Kimber, Knight, Lacoste, Lafontaine, Lajoie, Larue, Lefrançois, Létourneau, Marquis, Meilleur, Méthot, Morin, Mousseau, O'Callaghan, Perrault, Proulx, Raymond, Roeburn dit Laroque, Scott, Simon, Taché, Antoine Charles Taschereau, Joseph André Taschereau, Toomy, Trudel and Viger.—58.

NAYS.—Messieurs Blackburn, Clapham, Power, Stuart, Wells and Wood.—6.

we assure Your Excellency, as we have already done on a recent occasion, that it contained the faithful expression of the views, opinions and wants of this House, as well as of the people whom it represents. We have not as yet been able to discover any misconceptions, or any misunderstanding on our part, of a nature to change the views which we then entertained on the divers subjects treated therein, or to suggest other means for their accomplishment. We still believe it to be our duty, as well as for the advantage of the people, to persist in the same demands, in the same declarations, and particularly in the demand of an elective Legislative Council. Our opinion on the position of the country at the present epoch, as expressed in our answer to Your Excellency, dated the twenty-fourth of this month, will shew how ill justified we should have been in departing therefrom. We trust that His Majesty's Government will not, after mature deliberation, entertain any doubt as to the correctness of our statements and assertions, particularly of the necessity of changing, conformably to the prayers of this House and of the people, a branch of the Legislature which has, with narrow and self-interested views, and moved by party spirit, interposed itself of late more than ever between the Country and Metropolitan State, and destroyed all our attempts to aid in the reparation of abuses, and by causing the result of our labours to reach the foot of the Throne, to enable His Majesty's Government to confirm us in the belief of the sincerity of its intentions and promises. We respectfully submit, that although the evils and grievances which oppress the country have not been caused by us, we have spared no pains to terminate the same: those efforts have all failed in that branch, and we are firmly convinced that all measures of a just and liberal nature will hereafter constantly fail therein. The remedy is

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within the reach of His Majesty's Government. We shall see it applied with the most lively satisfaction, and however sincere may be His Majesty's desire to witness the entire removal of the grievances of the country, we can furnish in proof of a desire equally sincere on our part, the manner in which we promised, in our Address above mentioned, to welcome the reforms which we still expect, and the spirit of liberality and concession which accompanied that expression of our hopes.

"There is, in the more recent dispositions of the Government, in reference to the full and unrestrained exercise of the rights of this Legislature, a point which bears essentially on the character of the present Legislative Council, which we pray His Majesty not to lose sight of; that is, that although in principle, His Majesty's intention of leaving to the Provincial Legislature the repeal of certain injurious laws, and the adoption of new provisions favorable to the institutions and to the liberties of this Province, in whatever concerns its particular interests, be constitutional in its nature, and a wise acknowledgment even of the principle of our position, the effect thereof has been, and will be practically impossible, in consequence of the anomaly which the existence of the said Legislative Council has created in the Legislature of this Province. And we express our constant and unalterable conviction, guided by the principles of the Constitution itself and a long and sorrowful experience, that this state of violent opposition cannot be changed until the principle of popular election shall be introduced into the constitution of the said Council, so as to have a second distinct branch, agreeably to what the existing state of society and the deliberate voice of public opinion require, and which shall enjoy at once a due share of public confidence and a full exercise of an enlightened and independent judgment; a result so much to be desired, that, in the said Des-

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patch, the Ministers of the Crown have found therein one of the essential principles of the Act of 1791. We therefore dare to flatter ourselves that the pretensions and errors of the past will be forgotten, and that this great question will be considered in its full extent, in its connection as well with the principles as with the practice of the Constitution, and not as regards peculiar reluctances or preconceived opinions respecting which it has pleased His Majesty, in the said Despatch, to remove our fears concerning the future.

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“What we have stated above relative to the operation in the Province itself of a Legislature free to watch over its own interests, induces us to hope that, until there be an essential change in the Legislative Council, His Majesty, whilst desirous of adhering to his benevolent inclination of abstaining from every act which could be represented as an unnecessary intervention in the internal affairs of the Province, and thereby even oppose himself to every legislative act on the part of the Metropolitan State tending to destroy that large basis, would be pleased to take into his consideration the pure and simple repeal by the Parliament of the United Kingdom, of the Act commonly called the Tenures' Act, and of that passed in favor of the Land Company, as not being opposed thereto, inasmuch as the Canadian Legislature never participated in the passing of these two Acts against which this House and the people have, from the commencement, universally protested, and as their opposition to the rights, laws and institutions of this Province is now scarcely a subject of controversy. We therefore persist in praying that, until the Bill passed on several occasions by this House for the abrogation of the said Tenures' Act be favorably received in a Legislative Council disposed to give effect to the Royal intentions, His Majesty's Government would be pleased to assist in otherwise accomplishing

Chap the repeal demanded, which would enable us to re-
 xxxviii establish order in the important question of lands
 1836. and of proprietary law, and to accomplish, for the
 advantage and happiness of the inhabitants of the
 country, and of the other of His Majesty's subjects,
 the views expressed in our said Address.

"It is for the same reasons that we persist in demanding likewise the repeal of the Act passed in favor of the Land Company, and of the privileges which that Act pretended to confirm. The considerations of public and private law which cause us to take a view of this subject different from that taken by His Majesty's Ministers in the said Despatch, are too numerous and too palpable to be detailed at this moment. We shall pass over, also, in silence, the rights peculiar to the people of this Province, and the circumstances, painful to us, under which that Act was passed, and those privileges granted; and we shall abstain from pointing out the means at the disposal of the government to settle this question with justice to all parties. We shall merely add, that every day convinces us the more, that the principal tendency of that Company is to maintain that division of people against people, amongst the different classes of His Majesty's subjects, which has, in common with all the evils resulting therefrom, been fostered in times past, with too much success, by corrupt administrations.

"Neither can we forbear from here pointing out what we conceive to be, independent of its constant connection with the system of Metropolitan ascendancy and Colonial degradation, a grand error in the disposal of the public domain of this Province. That is, that in granting the lands nominally under the tenure of free and common soccage, which, based upon views of free and prosperous colonization, and with a due respect for the laws of the country, would, in fact, be a desirable tenure; the advantages thereof

have, in reality, only been accorded to the original grantees rendered absolute masters of immense tracts of land, without any reserve having been made for the future rights and interests of the mass of actual settlers who would improve the soil, but who, although His Majesty's free-born subjects, find themselves fettered in the extent of all those great concessions, by onerous and servile tenures. It is nevertheless after this system has been tardily repudiated, that nearly a million of acres of the lands of the country have been improvidently, and without any greater control, granted to the said Company, with the further privilege of augmenting that quantity by unlimited acquisitions dangerous to the liberties of the people. Independent of this anomaly and numerous other vices with which the said grant is tainted, the King's Ministers cannot be so unacquainted with the subject, as to consider it a question merely of private law, or to believe that, in any new country, the disposal and settlement of an immense extent of the public lands can be withdrawn from the control of the Legislature, and abandoned to the unrestrained direction of individuals.

“The presence in the Province of certain pretended authorities, whose powers and attributes are not to be found either in the Constitution or in any law, has so often been alleged by Your Excellency and by the Executive authorities in the Metropolitan State as being of a nature to retard till a future period, the restoration of order and the introduction of those improvements demanded by the people, that we cannot refrain from here making a few general observations which must have attracted the attention of every public man. We believe that this House is the legitimate and authorized organ of all classes of inhabitants in the country, and that its representations are the constitutional expressions of their wishes and of their wants. We believe that the im-

Chap. partial use we have made of the powers vested in us,
 xxxviii for the protection and the happiness of all our fellow-
 1836. subjects, ought to have secured to us due confidence,
 when we solemnly exercised those high privileges. It
 must, however, have been the result of an unjust dis-
 trust of this House and the people of this Province, that
 His Majesty's Government has rejected our prayers to
 defer to the opinions of a few individuals, strangers
 to the country, the fate of which was thereby com-
 mitted to men whose vague and subordinate mission
 could not be acknowledged by any independent au-
 thority recognized by the Constitution, the spirit of
 which His Majesty is particularly desirous to maintain.
 Thus it is that a power acting without law and against
 law, could not form any other connection but with
 those who entertained the same erroneous views, and
 who, long since the avowed enemies of this House
 and of the people, profit by the system of dishonest
 policy which has been up to this moment the bane of
 the country, and which has, nevertheless, been main-
 tained by many acts and declarations of the Crown
 and of Parliament. We believe therefore that the
 restoration of order and of the mutual respect which
 those whose duty it is to maintain it owe to each
 other, is one of the measures the most conducive
 to promote the establishment of a Government as
 responsible and as popular as that which His Majesty
 (in enumerating in the said despatch his dispositions
 on several important points) declares he is entirely
 disposed to admit. We must equally declare that
 any departure from those intentions based upon in-
 quiries emanating from a vitiated source, could not
 be sanctioned by any portion of the people sufficiently
 strong to lend its aid to a good Government.

“ We shall pass over in silence the Judicial inde-
 pendence and the establishment in the Province of a
 high Tribunal of public impeachments. It is too
 evident that the sole obstacle which now exists de-

pend upon the solution of the question which we look upon as of the utmost importance.

“Neither shall we discuss the demand made by this House, of the free exercise of its Parliamentary and Constitutional authority over the settlement and management of the lands of the Province, and its control over all the branches of the Executive Government; we shall also omit whatever appertains to the settlement of the financial question, whereby the Executive authority would no longer impede the rightful control of this House over the public revenue. Our views and offers on these two subjects have, without doubt, been considered liberal by His Majesty’s Government; we are, at least, inclined so to believe, in consequence of the opinion expressed in the said despatch on this part of our Address; moreover, if we understand, in its true meaning, that part of the said despatch which approves of our opinions on divers other points, without discussing any of them in particular, we should be induced to believe that His Majesty’s Government, convinced of the justice of our demands on these points, and of their accordance with the good government of the country, has now acceded thereto without requiring any further useless delay, and without further investigation of rights and principles so clear and so essential.

“If our hope of happy days for our country do not lead us to interpret too liberally general expressions, and if that hope be founded on something more than generous inferences, we cannot sufficiently express to Your Excellency how much we rejoice at having, by our perseverance, contributed to the substitution of an unjust and partial system, by an order of things conformable to the rights and demands of the people. Nevertheless, we cannot but feel deep regret and profound grief, when we consider that these declarations, as well as those which preceded them on several occasions, have as yet availed nothing;

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Chap. that the vices of our political institutions remain un-
 xxxviii altered ; that the Provincial Legislature continues to
 1836. be paralyzed in its functions, by the support given
 to the Legislative Council ; that no essential reform
 has been introduced as yet into the Administration,
 or for the removal of abuses ; that the Executive and
 Judicial authorities have preserved and manifested
 the same character of a faction combined against the
 liberties of the country, and its public property ;
 when we perceive that prejudicial inquiries in oppo-
 sition to the above mentioned declaration have not
 as yet been abandoned ;—when, in fine, the Execu-
 tive Government of the Province, doubtless in obe-
 dience to the special order of the authority which
 appointed it, has had recourse, since the last session,
 to the practice of disposing of the Public Treasury of
 the Province, without the consent of this House.
 Thus the state of the country having therefore re-
 mained the same, we believe it to be our imperative
 duty to adhere unalterably to the contents of our
 said Address of the 26th of February last, as well as
 to our previous declarations ; and to them do we
 adhere.

“In reference now to the demand which Your
 Excellency has renewed under existing circumstances
 for a Supply, relying on the salutary maxim, that the
 correction of abuses and the redress of grievances
 ought to precede the grant thereof, we have been of
 opinion that there is nothing to authorize us to alter
 our resolution of the last session. Your Excellency
 will bear in mind that our determination to obtain
 justice by means warranted by the best approved
 precedents, and by the spirit of the Constitution itself,
 was taken at a more distant epoch, and that as a
 mark of our confidence in you, we temporarily de-
 parted from that determination by voting a Supply
 for six months. We assure Your Excellency, as well
 as His Majesty’s Government, that in that act, which

we look upon as a mark of our liberality, we were prompted by no minor consideration, nor by any unjust or incorrect interpretation of the intentions of His Majesty's Ministers. The conclusion of our said Address contains an explanation of our motives, and of the difficulties which it was not in our power to ward off; the same circumstances, as well as the previous consideration of the salutary principle above referred to, render it incumbent on us, in the present conjuncture, to adjourn our deliberations until His Majesty's Government shall by its acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone can crown it with success.

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“Amidst the closing events of the last session, there is one circumstance in particular which we respectfully believe has not been sufficiently noticed by His Majesty's Government—that is: it was not this House, but the Legislative Council which deprived the Provincial Administration of the resources which would have been at its disposal, and which placing itself between the Crown and the People in a matter specially appertaining to the Representatives of the latter, has prevented the free gift of the Commons to reach the Throne.

“In concluding this Address, we shall again express our belief in Your Excellency's sincerity and intentions, and we flatter ourselves that under different circumstances and with more direct powers, Your Excellency would have sooner helped to obtain the change which we await. If such a change had taken place, the good understanding which has hitherto existed between this House and Your Excellency, notwithstanding the difficulties of our respective positions, would lead us to expect the most happy

Chap. results from Your Excellency's desire to advance the
 xxxviii prosperity of the country."

1836. To this His Excellency replied:—

"Mr. Speaker, and

"Gentlemen of the House of Assembly,

"For the portions of this Address which are directed to me personally, I cannot but thank you. At the same time my sense of public duty, and the warm interest I take in the welfare of the Province, compel me frankly to address to you my deep regret at the conclusions you have come to.

"The determination you express never to resume your functions under the existing Constitution, virtually deprives the country of a domestic Legislature, and places it in a situation in which the greatest embarrassments must be felt until a remedy can be applied by the supreme authorities of the Empire.

"Gentlemen,

"Your Address shall be transmitted to England with the least possible delay."

His Excellency, on the following day, went down in state to the Council Chamber, and prorogued the Parliament with the following short and pithy speech:

"Gentlemen of the Legislative Council,

"Gentlemen of the House of Assembly,

"There being no longer any prospects of a good result from the message, which, by the commands of our Most Gracious Sovereign, I communicated a few days ago to the House of Assembly, I hasten to put an end to this session, and to enable you to return to your homes.

"The object of convoking the present Parliament was to make a renewed effort on the part of His Majesty to restore some interval of repose to His Canadian people. I lament, however, that instead of awaiting the development of those measures which

are in preparation, but which, to be effectual, must be matured with time and attention, a more hasty decision continues to be insisted upon, and the Province is even threatened with the abandonment, by one branch of the Legislature, of the duties confided to it by the Constitution;—without dwelling on this inauspicious project, I will merely observe that, if it be persisted in, the number of temporary Acts in Lower Canada, and the importance of some which are not long hence to expire, must give peculiar effect in this Province to a decision, which, in no country endowed with powers of domestic legislation, could be otherwise than a severe privation, and source of public suffering.

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“Gentlemen,

“In taking leave of you, I will only express the hope I am unwilling to forego, that, however the political embarrassments of the country may appear to multiply around us, the inherent elements of prosperity and contentment which it contains may triumph over all adventitious causes of difficulty.”

The Assembly had been in session from the 22nd September to the 4th October inclusively (13 days), but no bill whatever had passed, two only being introduced, one for the appointment of an Agent in the United Kingdom; the other, as at the previous session, to amend the Constitutional Act, in so far as related to the constitution and formation of the Legislative Council, neither of which had reached the third reading when the prorogation took place.

The following, in reference to the reform of the Legislative Council, as insisted upon by the Assembly, is from Mr. Neilson's *Quebec Gazette*, 19th August, 1836:—

“LOWER CANADA POLITICS.

“The *Quebec Mercury*, of last evening contains a second letter on the Canadas, copied from the

Chap. London *Times* of the 13th June. The writer is cer-
 xxxviii tainly much better acquainted with the public af-
 1836. fairs of the Provinces than most of the persons who
 write in the London papers; but he falls into some
 errors. It was only latterly that Mr. Hume took
 any active part in stirring up mischief in Canada,
 and we believe he is more indebted to love of theo-
 ries and an intermeddling disposition for any harm
 that he has done, than any vicious motives.

“The whole of the difficulties in the Canadas which
 have now retarded the prosperity and diminished
 the happiness of their inhabitants for many years,
 proceed from the notion of the abolition of the Le-
 gislative Council. Neither Mr. Hume, nor Mr.
 Viger, nor Mr. Mackenzie, are the authors of it.
 It was first agitated in the Assembly of Lower Ca-
 nada, in 1831, and Mr. Viger, who had lately been
 called to the Council, was opposed to it. It did
 not even originate in Canada; was never asked for
 by the petitions from any portion of the country, be-
 fore it was introduced into the Assembly; was
 twice negatived in that body: viz, in 1831 and in
 1832, by the same House who adopted it in 1833.
 The Elective Council was a substitute proposed by
 the late Mr. Thomas Lee, in 1831; but not acted
 on at the time.

“The idea of annihilating one branch of the Legis-
 lature originated in England. It was the offspring
 of a place hunting propensity among persons there
 in some degree connected with Lower Canada.
 An agent had been recommended by the Canada
 Committee of 1828; the nomination of the Assem-
 bly had failed by disagreement with the Council, and
 Mr. Labouchere had refused to act officially, as it
 might place him in opposition with his duty as a
 Member of Parliament. A reformation in the com-
 position of the Council was commenced, and it was
 passing every Bill which the Assembly had com-

plained of its not passing ; in fact there was greater harmony in the colony, more doing for its advancement than ever had been done in the same time before. But there were people in England who were in want of advancement. It was under these circumstances that a book was written and printed in England in 1830, and sent out to Canada, recommending the abolition of the Legislative Council. This book bore the name of the late Dr. Lat-
 terrière, but was written by Mr. John Arthur Roebuck, the same who had written and published a pamphlet at Quebec, in 1822, in favour of the union of the Provinces. The notions of this book were adopted by some persons on the River Chambly, and unfortunately, in the end by Mr. Papineau, the Speaker, who got Mr. Bourdages to move a resolution to that effect in the Session of 1830-31. Mr. Roebuck has then the sole merit of the proposal to destroy one of the co-ordinate branches of the Lower Canada Legislature, which has had such an injurious effect on the Province ; and Mr. Roebuck is Agent of the Assembly, in England, with a salary and contingencies of £1,100 sterling, a year, paid in full, in good bills on London. All this is matter of fact which can be supported by indisputable evidence, but of which the writer in the *Times* was probably not aware."

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The Legislature of Upper Canada being still in session, an Address, shortly after the prorogation of that of this Province, was voted by the Assembly to His Majesty, praying for the annexation of the City and Island of Montreal to that Province.

The Executive Committee of the Quebec Constitutional Association, elected in December, 1835, (and of which Mr. Andrew Stuart had been Chairman since its formation, in December, 1834, until the time when, retiring from it at his own request, he was succeeded by Mr. John Neilson,) made, at a general

Chap. meeting of the body on the 5th December of the
 xxxviii present year, their annual report of proceedings for
 1836. the previous twelvemonth, concluding as follows:—

“The Committee, on a brief review of the position of the members of the Association and petitioners since the last annual report submit, that although nothing has been actually done to alleviate the evils of which they complained to His Majesty and the Imperial Parliament, they see no reason for desponding.

“Whatever may be the lamentable weakness exhibited by the Colonial Executive, the Committee are persuaded that at least there is a desire on the part of His Majesty to do justice to the Province, and to maintain the necessary powers and prerogatives of the Crown, so as to enable him to give these the desired effect.

“The inhabitants of Upper Canada, on an appeal to them by the Crown, have effectually disenthralled themselves from the dominion of men who had combined with the prevailing party in the Assembly of this Province to subvert the established Constitution of the Canadas, and perpetuate the evils of which we complain. That Province is now affording uncontrovertible evidence of the benefits which may be derived from the existing Constitution, with an Assembly cultivating harmony with the other branches of the Legislature, and co-operating in the liberal and beneficent views so often expressed by the British Government. All our Sister Colonies of this Continent are also promoting their own welfare, under a Constitution in principle similar to that of the Canadas, and in harmony with the general government of the empire.

“The Committee cannot flatter itself, that much good has resulted from its own labours as detailed in the present report.

“It has, however, kept constantly in mind that it

was a duty imposed upon it, by the members of the Association and the petitioners, to support their petition before the Royal Commissioners. On several heads of enquiry, it will be seen that the Committee has been heard, but it has to regret that on one most important point, the state of the representation, the documents which were in preparation have not yet been completed, and the duty as well of completing these, as of making such further representations as may be called for, will devolve upon their successors in office.

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“It will also be their duty to lay before you the proceedings had by the Select General Committee, at Montreal, as well at the meeting in June, as at their late adjourned meeting, in the last month, when they shall be received.

“The Committee may, however, presume that the following clauses of their instructions have not been lost sight of in the enquiries of the Royal Commissioners, viz :—

“There is one complaint closely connected with the topic referred to, of which I do not find any notice in the resolutions of the Assembly. The Constitution of Lower Canada consists of various branches or members, to each of which Parliament has assigned such functions as were thought necessary to counterbalance the danger of abuse in the other organs of Government.

“If the balance be disturbed, a counterpoise would be required to rectify the disturbance. It is earnestly maintained by many, that the House of Assembly does not supply a fair representation of the Canadian People; that the constituencies throughout the Province are so arranged as to ensure the return of a much larger proportion of Members in the interest of the Canadians of French descent, than is warranted either by their numbers or their property; and that neither the commercial interest, nor the land-

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 1836. holders in the Townships, are protected in the popular branch of the Legislature with any just regard to the importance, or to the wealth and number of the persons employed in those classes. The Canadians of British descent have been therefore, it is said, accustomed to look to the Legislative Council for defence against the partiality which they ascribe to the Members of the House of Assembly.

“It will be necessary for you to enquire into the truth of these allegations. This duty, indeed, you are bound to perform, with a view to the general interests of the colony, even independently of any reference to its bearing on the constitution of the Legislative Council. The number of persons of British or of French birth or origin actually sitting in the Assembly will, of course, afford a most perfect criterion of the influence by which their seats may have been obtained, and of the course of policy to which they will habitually incline. The material question respects the national character and prepossessions rather of the several constituencies, than of the different Members. Lower Canada must also be viewed as a country in which the limits of settlement and cultivation are continually widening. It requires therefore an elective system, resting on a principle such as shall accommodate itself to changes which are taking place in the circumstance of the Electors, with a magnitude and rapidity to which there is no parallel in the communities of Europe.”

The Committee terminate as follows:—

“The late meeting of the Legislature has furnished additional evidence if any were wanting, that the Province cannot enjoy the benefit of good government, an independent administration of justice, and a beneficial local Legislature, until there is a reform in the representation in the House of Assembly,

founded upon the combined principles of territory and population, so that the British and Irish inhabitants and others not of French origin may have that share in the choice of the Members to which they are entitled. That such a reform will ever be effected with the consent of the present overwhelming majority of Members, elected by a distinct constituency whose peculiar prejudices are incessantly excited against their fellow-subjects not of French national origin, cannot reasonably be expected.

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“The Committee trust, however, to the sense of justice which prevails in the Parliament of the United Kingdom, to whom all parties have appealed, and to the settled adherence of men of British and Irish origin, to the principles of the British Constitution, as well as to their persevering character for final success in obtaining justice.

“The Committee can rely with perfect confidence on the warm attachment of the petitioners to the countries of their birth and of their ancestors, to enable them to endure all the trials to which they may yet be exposed in this Province.”

The whole nevertheless humbly submitted.

By order of the Committee,

T. A. YOUNG,

Secretary.

The Commissioners having investigated and reported upon the matters referred to them, Sir Chas. Grey took his departure for England, *via* New York, at the end of November, Sir George Gipps and Mr. Elliott following him in February by the same route. The reports of these gentlemen, which did not appear publicly until after they were laid before the Imperial Parliament, were elaborate and comprehensive, but too voluminous, although properly belonging to the history of Lower Canada, for a place in the pre-

Chap. sent work, or in the appendix to it, constituting, as
xxxviii they do, a considerable volume of themselves.

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Accounts reached the Province towards the middle of April, that Lower Canada affairs had been brought up in the House of Commons by Lord John Russell, and that certain resolutions had been adopted by a large majority with respect to them.* These pro-

* The following Members spoke in the debate of the 6th of March, on Lord John Russell's Resolutions respecting Canada, viz:—Lord John Russell—Mr. Robinson—Mr. P. Stewart—Colonel Thompson—Sir William Molesworth—Sir Geo. Grey—Mr. Lushington—who moved an amendment—Mr. Roebuck, twice—and Mr. Hunt.

RESOLUTIONS ON CANADA AFFAIRS.

6th March, 1836.

"1. That since the 31st day of October, in the year 1832, no provision has been made by the Legislature of the Province of Lower Canada for defraying the charges of the administration of justice, and for the support of the civil government within the said Province; and that there will, on the 10th day of April now next ensuing, be required for defraying in full the charges aforesaid to that day, the sum of £142,160 14s. 6d.

"2. That at a session of the Legislature of Lower Canada, holden at the city of Quebec, in the said Province, in the months of September and October, 1836, the Governor of said Province, in compliance with His Majesty's commands, recommended to the attention of the House of Assembly thereof, the estimates for the present year, and also the accounts, shewing the arrears due in respect of the civil government, and signified to the said House his Majesty's confidence, that they would accede to the application which he had been commanded to renew for payment of the arrears due on account of public service, and for the funds necessary to carry on the civil government of the Province.

"3. That the said House of Assembly, on the 3rd day of October, 1836, by an Address to the Governor of the said Province, declined to vote a supply for the purpose aforesaid, and by the said Address, after referring to a former Address of the said House to the Governor of the said Province, declared that the said House persisted, amongst other things, in the demand of an Elective Council, and in demanding the repeal of a certain act passed by the Parliament of the United Kingdom in favour of the North American Land Company; and by the said Address the said House of Assembly further adverted to the demand made by that House of the free exercise of its control over all the branches of the government; and by the said Address the said House of Assembly further declared, that it was incumbent on them in the present conjuncture to adjourn their deliberations until his Majesty's government, by its

duced great excitement and agitation, the papers in the interest of the agitators, or "patriots," as, not to seem fastidious, we shall hereafter term them, teeming with the most bitter invective against the Minister and his supporters.*

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acts, especially by rendering the second branch of the Legislature, conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone could crown it with success.

"4. That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council of that Province an elective body; but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence."

* The following will serve as a specimen, from the *Indicator*, edited by Doctor O'Callaghan, M. P. P. :—

"It gives us great pleasure to announce, that the feeling created throughout this wealthy and populous District, by Lord John Russell's infamous resolutions, is one of unmitigated indignation.—They are met every where with "curses not loud but deep," and a fixed, stubborn determination, to resist any and every attempt to enslave the country.

"The Reformers are already on the alert. Some preliminary meetings have, we understand, been held, preparatory to calling a meeting of the rich and independent County of Richelieu. To the freeholders of the county in which the Hon. Mr. De Bartzch resides, will belong the honor of being the first to denounce the *Honorable renegade and the machiavelian policy of the treacherous government.*

"A movement in such a quarter is ominous for the *treacherous administration* of Lord Gosford. It will, we have no doubt, be followed throughout the Province by similar meetings, and before the summer will have gone over their heads, the people of Lower Canada will tell, both their representatives and their rulers, that they are not the stuff from which slaves are made.

"It could not be otherwise. Those who have combatted, and successfully combatted, the attempts of Dalhousie to pay away their money without the authority of law; those who have, year after year, protested against the unconstitutional interference of the British Parliament in our internal affairs, will not allow it to go abroad to the world, that their principles and protests are nothing better than waste paper. They will not permit it to be said that, at the beck of even a House of Commons, they now sanction what they have up to this day so doggedly, so repeatedly, so consistently, and so honorably resisted.

"A combined and dishonorable junction of Whigs and Tories, in a House of Commons 'reformed' but in name, may pass Re-

Chap. A great indignation meeting took place at St.
 xxxviii Ours, on the river Richelieu, the 7th May, under
 1837. the auspices principally of Doctor Wolfred Nelson,
 who resided at St. Denis, near that place, and was ex-
 ceedingly zealous and active in promoting the patriotic
 cause, as it was now styled by themselves. Several
 very strong and significant resolutions were passed on
 the occasion.

"Twelve hundred persons are said to have been present. Seraphin Cherrier, Esq., of St. Denis, pre- sided, and J. P. Boucher Belleville, acted as Secre- tary. Dr. Wolfred Nelson, of St. Denis, and M. S. Marchessault, of St. Charles, addressed the meeting at great length. The *Minerve* says, the greatest en- thusiasm prevailed.

"*Resolved*,—That we have seen with deep indig- nation the Resolutions proposed in the House of Commons on the 6th March last. The necessary effect of which will be to deprive us of all security for our liberty and for future good government in this Province.

"That the adoption of the said Resolutions will be

solutions to annihilate the last remnant of Liberty left in the Colonial Legislatures. A House of Lords, the fundamen- tal prin- ciple of whose Constitution is inimical to human freedom, may en- dorse the determination of the combined enemies of freedom in the Lower House, but neither the Resolutions, their authors, nor their supporters, can change the nature of things. Robbery will be robbery still.

"Russell may, therefore, order *his Deputy, Gosford, to plunder our public chest.* A second Falstaff, he may say to his worthy chum—'Rob me the Exchequer, Hal!'—and his Deputy and chum may rob it accordingly: but even this will not legalize the plunder. Our rights must not be violated with impunity. A HOWL of indignation must be raised from one extremity of the Province to the other, against the ROBBERS, and against all those who PARTAKE OF THE PLUNDER.

"HENCEFORTH, THERE MUST BE NO PEACE IN THE PROVINCE—*no quarter for the plunderers. Agitate! Agitate!! AGITATE!!!* Destroy the Revenue; denounce the oppressors. Everything is lawful when the fundamental liberties are in danger. 'The guards die—they never surrender.'

a flagrant violation on the part of the Commons and of the Government that proposed them, of the Capitulation, of the Treaty, and of the Constitutional Acts granted to this Province. That these acts and treaties, bearing on them reciprocal obligations, to wit, on our part affection and obedience, and on the part of England protection and the security of our freedom, will be virtually annulled by a violation of its promise by one of the contracting parties.

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"That under these circumstances, we can only look upon the Government which has recourse to injustice, to force and to a violation of the social compact, as an oppressive power and a government of force, to which the measure of our submission should be henceforward measured by our numerical force joined to the sympathy we find in other quarters.

"That the machiavelianism which, since the *Cession*, has accompanied all the acts of the Government, the bad faith by which they have hitherto been characterized, the weakness shown in every page of the Reports of the Commissioners, and in the speeches of Ministers, who do not blush to allege our division and small numbers as reasons for refusing us justice, inspire us only with the profoundest disgust and most marked contempt for men who, governing one of the most powerful and noble countries of the globe, are members of such an administration."

"That the people of this country have long and vainly waited for justice, first from the Colonial Administration and afterwards from the Metropolitan Government, that during 30 years if fear has broken some of our chains, the inordinate love of power has forged for us others still more heavy.—The high idea we had formed of the honor and justice of the English people led us to hope that the representative branch of the Parliament would afford more remedy to our grievances. This last hope having failed us we renounce for ever the idea of

Chap. seeking for justice beyond the seas, and at length
 xxxviii we perceive how much the country has been abused
 1837. by false promises, which induced us to fight against a
 people who offered us liberty and equal rights, and
 to side with a people who are striving to enslave us.
 Sad experience leads us to acknowledge that on the
 other side of the line 45, are to be found our natural
 friends and allies.

“That we deny the right of the Parliament of
 England to legislate for the internal affairs of this
 colony, against our consent and without our partici-
 pation and our demand, since the non-exercise of
 this right was guaranteed to us by the Constitution
 and acknowledged by the Metropolitan country,
 when they feared we should accept the offers of liberty
 and independence held out to us by the neighbour-
 ing Republic. That in consequence we consider as
 null and void the Tenures Act, the Canada Trade
 Act, and the Act by which the Land Company is
 incorporated; and the Act which will no doubt be
 founded upon the Resolutions brought forward in the
 Commons.

“That we will abstain as much as possible from
 using and consuming imported articles, especially
 those which pay the highest duties, such as tea, to-
 bacco, wine, rum, &c., and will use and consume in
 preference productions manufactured in this colony.
 That we shall consider him to deserve well of his
 country who shall establish manufactories of cloth,
 linen, sugar, spirits, &c. That considering the laws
 of trade as of no effect, we look upon the trade usu-
 ally designated contraband (smuggling) to be per-
 fectly fair—we regard this traffic as perfectly honora-
 ble, and will do all we can to favour it,—support those
 who pursue it as deserving well of their country, and
 will hold those to be infamous who may inform against
 them.

“That to render these resolutions more effective

this assembly is of opinion that a patriotic association should be formed in the country, the centre to be at Quebec or at Montreal, the end of which should be to agree to consume, as far as possible, only articles manufactured in the country, or imported without paying the duties. That for this purpose a Committee of ten members be formed to communicate with similar Committees which may be named in other counties, and with power to add to their number. That Messrs. Boucher Belleville, J. B. E. Boucher, Ol. Chamard, J. E. Mignault, F. X. Poitevin, Ls. Moger, Dr. Dorion, Capt. Beaulac, Ls. Chappedelaine and Moyse Duplessis do form the Committee; that they have also the power to choose from amongst them two persons, to represent this county in a convention which it is intended shall assemble."

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"That in order to effect more speedily the regeneration of this country, it is desirable, after the manner of Ireland, that we should all rally round one man. That man, like O'Connell, has been stamped by God to be a Political Chief, the regenerator of a nation; he has been endowed for this purpose with a force of mind and eloquence not to be surpassed; a hatred of oppression, a love of his country, that neither promises nor threats can shake. That this man already pointed out by the country is L. J. PAPINEAU. This assembly considering also the happy effects which have arisen in Ireland from the contribution called the *O'Connell Tribute*, is of opinion that a similar contribution ought to be made in this country, under the name of the *Papineau Tribute*. The Committee of the Anti-importation Association will be charged with raising the same.

"That this assembly cannot separate without offering our sincere thanks to the speakers, few, indeed in number but zealous and able, who have upheld our rights in the House of Commons, as well as to

Chap. the honest and virtuous men who have voted with
 xxxviii them. That the working men of London who, in the
 1837. spirit of liberty and justice, worthy of a free people,
 have presented a petition to the House of Commons
 in favour of this unhappy country, are equally en-
 titled to our deepest acknowledgments. That our
 friends and brethren of the Political Union of Tor-
 onto are also entitled to our thanks for the sympathy
 they have shewn towards us in the resolution passed
 by them on the 17th April, against the coercive mea-
 sures of the Ministers.

“That this assembly is firmly of opinion that, in
 the event of a General Election with which the country
 is threatened at the instigation of perverse and weak
 men, as ignorant of public opinion at the present
 crisis, as they are destitute of influence, the electors
 will show their gratitude to their faithful represen-
 tatives in again electing them, and in rejecting those
 who have forfeited their words, forgotten their duty,
 and who have betrayed their country either by
 ranging themselves on the side of our adversaries or
 by cowardly absence when the country expected
 from them an honest expression of their opinions.”

Various other meetings took place shortly after
 this at different places in the district of Montreal,
 Mr. Papineau attending as chief actor, being escorted
 from parish to parish with great parade, by multi-
 tudes on horseback and in caleches. The resolutions
 adopted were similar to those of St. Ours. Meet-
 ings of the same character took place in Quebec, but
 the resolutions passed thereat, though seditious, were
 less violent than those generally adopted throughout
 the district of Montreal.

These extraordinary doings, under the direction
 of a “Central Committee” avowedly revolutionary,
 at length compelled Lord Gosford to measures for
 staying them. He accordingly issued, on the 15th
 of June, a proclamation, as follows :—

“ WHEREAS certain of His Majesty’s subjects, in different parts of this Province, have recently held Public Meetings, and thereat adopted Resolutions having for their object the resistance of the lawful authority of the King and Parliament, and the subversion of the laws, on the observance of which the welfare and happiness of all His Majesty’s subjects, under Divine Providence, chiefly depend; And whereas at such meetings evil disposed and designing men, the instigators thereof, have by artifice and misrepresentation endeavoured to spread abroad statements and opinions, inconsistent with loyal duty to His Majesty and to His Parliament, and tending to persuade His Majesty’s subjects that they are absolved from their allegiance, that they can no longer depend on the Parent State for Justice and Protection, and that they must seek for the same, when a convenient opportunity offers, by other means :—

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“ And whereas it is both my resolution and my duty to maintain and defend to the utmost, against all such unlawful proceedings and attempts, the undoubted prerogatives and powers of His Majesty and of His Parliament, in order to maintain and secure the Institutions both Civil and Religious of His Canadian subjects, and to preserve peace and good government in this Province :—

“ And whereas upon these occasions aforesaid, representations have knowingly been made entirely devoid of truth, for the purpose of inducing His Majesty’s subjects to swerve from their allegiance, and of producing a belief that the Parliament of the United Kingdom has violated, or intends to violate the just rights and privileges of His Majesty’s subjects in this Province, and is about to adopt oppressive measures towards them :—

“ Being desirous of undeceiving such as may unwarily have been led to rely upon such untrue

Chap. and mischievous representations, it has become my
 xxxviii duty, as the Representative of His Majesty, to ad-
 1837. dress myself most earnestly to the "people of this
 Province, in the confidence that they will listen to
 the language of reason, respect unanimously those
 precepts of just subordination inculcated by the Laws
 of this their country, and by no act of reckless in-
 discretion, either compromise their present happi-
 ness and future prosperity, or permit those perma-
 nent interests to be compromised by others.

"I do therefore, by and with the advice and con-
 sent of His Majesty's Executive Council of this Pro-
 vince, hereby most solemnly exhort all the subjects
 of His Majesty in this Province to unite in
 the cause of peace and good order, to discon-
 tinue all writings of an exciting and seditious
 tendency, and to eschew all meetings of a dan-
 gerous or equivocal character; and I do hereby
 enjoin and strictly command all Magistrates in and
 throughout the Province, all Officers of Militia, Peace
 Officers and others His Majesty's good subjects
 therein, to oppose and frustrate the insidious designs
 adverted to in this Proclamation, and to preserve by
 their loyal co-operation, the vigour and inviolability
 of the Laws, on which their religion and future hap-
 piness depend."

This did not, however, stop the "anti-coercion"
 (as they were now termed) public meetings, which
 were continued with more fervour and violence of
 language than before,—"*Vive Papineau! vive la
 liberté! point de despotisme—a bas la proclamation!
 hurra for those English who are our friends! down with
 those who would injure us,*" &c., being the rallying
 cries at those revolutionary assemblages, held for the
 most part on Sundays, at the doors of the parish
 churches, at the issue of Divine Service in the fore-
 noon. At these meetings, at which flags with mot-
 toes and emblems, expressive of the treasonable pur-

poses of the leading "patriots" were exhibited, the British Government was unsparingly execrated, and the ministers of His Majesty denounced as robbers and swindlers, destitute alike of wisdom and of honor, and the people told that they had no alternative to rescue themselves from degradation and servitude to British rule but their own strength and the patriotism of the Assembly. The proclamation was treated with great indignity, and by none more so than by Mr. Papineau, who, in all his public harangues to the multitudes collected to receive him in his *tournée* through the rural parishes in the Upper District, did not fail to speak of it in terms of the uttermost contempt, and accordingly wheresoever it was in any of those parishes posted up, it was torn down without scruple as an insult upon the public feeling. Mr. Papineau extended his peregrinations, in June and July, to Quebec and the lower parts of that district, to Kamouraska inclusively, where, however welcome at some places (St. Thomas and L'Islet for instance),* he was not generally so well received as he had been in the upper parts.

"We learn, (says the *Vindicator*,) with much satisfaction from the *Liberal*† of Saturday that the

* "It gives us great pleasure to learn that the Hon. Mr. PAPINEAU experienced the most cordial reception on his arrival to attend the meeting of the Counties of Bellechasse and L'Islet, about 25 miles below Quebec. The people turned out in large numbers, not with colors nor flags, but with something more significant—with muskets. We are happy to learn that the people are thus exhibiting a proper sense of their situation. From England they have nothing to expect but insult and robbery."—*Vindicator*.

"Mr. Speaker Papineau arrived in town on Saturday, from the South Shore, in this District, and proceeds to Montreal this evening. He went no further than Kamouraska, and has been at St. Charles since the beginning of the week. Notwithstanding that two Sundays and one holiday have intervened since he has been in this District, he has had no other invitation to any agitation meeting but that of St. Thomas. Thirteen partial meetings out of 46 electoral divisions, have now taken place."—*Quebec Gazette*.

† An agitation paper then recently issued at Quebec.

Chap. patriotic Inhabitants of the County of Saguenay
 xxxviii met at Malbaie, on the 25th ult., and passed a series
 1837. of resolutions expressive of the strong disapproba-
 tion these good people entertain against the Russell
 atrocity. Major Louis Tremblay presided. Captain
 Thos. Simard was Vice President. Messrs. Gauvreau
 and Tremblay, N. P., acted as Secretaries.*

"It is," observes the *Vindicator*, "determined
 upon, we understand, by the people of the counties
 L'Assomption and Lachenaie, who formerly formed
 but one county (Leinster,) to meet together, this
 year. They are but waiting the arrival of the Hon.
 Mr. Papineau, whose presence they desire.

"A deputation arrived in town yesterday from the
 county of Laprairie to invite the Hon. Speaker to
 attend a meeting of that county. The Hon. Gentle-
 man not being in town, we are not able to say on what
 day the meeting of that populous county will take
 place.

"The meeting of L'Acadie county, which was
 fixed for the 16th, is postponed for the present for a
 similar reason.

"Three counties are now waiting the return of
 the Hon. Mr. Papineau from Quebec. This is a con-
 vincing proof of the falsehood of those enemies of
 Canadian Rights, who would have the people believe
 that this great man's popularities are declining.

"It is stated in the *Herald* of Thursday, July 13th,
 that the loyal inhabitants of St. Eustache are about to
 forward a petition to His Excellency the Governor-
 in-Chief, for protection from the outrages with which
 they are threatened by the agitators; and that out-
 rages still continue to be perpetrated in that part of
 the country. It is reported that even the Priest of

* It seems that Messrs. Lafontaine and Girouard who had visit-
 ed Murray Bay and North Shore below Quebec, in co-operation
 with Mr. Papineau on the South Shore, were among them.—*Quebec*
Mercury.

the parish has been threatened, because he is pious Chap. to God and loyal to his King! On Friday night, the xxxviii barn of this respectable clergyman was destroyed. 1837. We have heard much of the veneration of the Canadians for their religion and its ministers. Should it prove true that from among some of them this trait in their character has departed, there is no doubt, that an enemy has been in their field and sown tares among the wheat."—*Montreal Gazette*.

While Mr. Papineau was thus visiting the district of Quebec to cheer his partizans and prepare them for coming events, an effort was made to realize a large meeting of his party in the city of Montreal. It, however, proved a failure, although a considerable number did assemble on the occasion. A Constitutional, or "GREAT LOYAL MEETING," took place shortly after this, in that city, at which several thousands attended, consisting of all the British, Irish, and such other inhabitants of Montreal and its neighbourhood as were for preserving the constitution of the Province and its connexion with Great Britain inviolate. At this meeting, held on the 6th July, in the *place d'armes*, the following resolutions were unanimously adopted, the Hon. Peter McGill opening, in an appropriate speech, the business of the day, and proposing the Hon. George Moffatt as Chairman, who accordingly, with acclamation, was called upon to preside. Jules Quesnel and S. De Bleury, Esquires, were named Vice Presidents, and William Badgley and Leon Gosselin, Esquires, joint Secretaries, on the occasion, to preserve order and record the proceedings of the meeting:—

"*Resolved*,—That the unjustifiable refusal of the House of Assembly, of Lower Canada, to make the necessary appropriations for the administration of justice, and the support of the Civil Government of the Province, has been the principal cause of the

Chap. resolutions proposed by His Majesty's Ministers,
xxxviii and adopted by the Imperial Parliament.

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Resolved,—That this meeting disapproves of the outrageous proceedings of the majority of the House of Assembly in its formal refusal to proceed with the public business, in its declared determination not to co-operate with the Government, and its resolution to follow the line of politics which it has adopted; and that these proceedings are the cause of the greatest evils to the Province in general, ruinous to the commerce of the country, and destructive of the industrious and the agricultural classes.

Resolved,—That this meeting cannot express in language sufficiently strong, their detestation of the immoral and disorganizing measures recommended, and of the resolutions adopted at the meetings recently held in different parts of this Province; and that this assembly disapproves of them as directly opposed to the sentiments of fidelity to His Majesty, and of devotion to his Government, entertained by his loyal Canadian subjects throughout the Province.

Resolved,—That this meeting is strongly convinced that the real and recognized grievances of His Majesty's subjects in Lower Canada will be fully redressed by His Majesty's Government; that the continuation of the connexion of Lower Canada with the Mother Country is essentially necessary to the prosperity and advancement of this Province; and that all attempts to disturb that connexion, and to produce a dismemberment of the empire, is directly contrary to the opinion of this meeting, and absolutely opposed to its desires as well as to its interests.

A "GREAT LOYAL MEETING" and demonstration took place, in like manner, also at Quebec, on the 31st of July, at which several thousands attended, walking in procession, preceded by a band of music, through the city to the Esplanade, with flags and

banners, bearing mottoes and emblems significant of Chap. loyalty, and the determination of the people to ad- ^{xxxviii} here to their allegiance and the sovereignty of the 1837. British Crown. A small press, mounted on a carriage, attended by a body of printers, accompanied the procession, giving out, as it proceeded through the various thoroughfares of the city, an Address from "THE LOYAL PRINTERS OF QUEBEC," an impression whereof is inserted below.* On arriving at the Esplanade, John William Woolsey, Esq., one of the oldest, and most respectable inhabitants of Quebec, and formerly an eminent merchant, but then retired from business, was called upon to preside at the meeting, Joseph Deblois and Pierre Pelletier, Esqs., being also named Vice Presidents, and Messieurs Deguise, T. C. Lee and Prevost, Secretaries. The following resolutions were unanimously adopted:—

* TO THE PUBLIC.

"THE LOYAL PRINTERS of Quebec, forming the majority of that body, are desirous of presenting their fellow citizens with a brief record of their feeling on an occasion when it behoves every man who has the welfare of the colony at heart, and who desires to perpetuate the connexion with the Mother Country, to come boldly forward and to express his detestation of the insidious machinations resorted to by a selfish and ambitious band, who, in the hopes of personal aggrandizement, seek to disturb the peace of the country, and to plunge their fellow citizens into the miseries of civil contention, in the hope not of producing public good, but of improving their own thriftless condition.

"THE FREEDOM OF THE PRESS IS THE PALLADIUM OF BRITISH LIBERTY, and it cannot be supposed that the Printers of this city, who now address you, are unmindful of the powers or of the privileges of the mighty engine they wield. Yet they know well how to distinguish between LIBERTY AND LICENTIOUSNESS; and whilst their efforts will always be strenuous and unflinching in supporting the LIBERTY OF THE PRESS and the interest of their fellow citizens, they trust that none amongst them will be found so base as to prostitute the noble engine, which has given knowledge to the world, to the vile purposes of *private slander or of maligning the just and equal Government under whose protection we live.* Yet when grievances exist, we are to be found at our posts, and ready, at all risks, to expose them. We fear not to speak the truth, though the Sovereign should be the object of our remarks.

Chap. *Resolved*,—That we have observed with deep
 xxxviii regret, the attempts which have been made at
 1837. meetings recently held in different parts in this Province, to disseminate disrespect for the public authorities and disaffection towards the British Government and Parliament, and to excite to the violation of the laws.

“That whatever differences of opinion may have prevailed in the Province with regard to its public concerns, the inhabitants thereof have hitherto maintained a distinguished character for fidelity to the Sovereign, a love of public order, and obedience to lawful authority; and that it is our duty and determination still to maintain this character, and resist to the utmost all acts or attempts contrary to the allegiance which is due to the British Crown, or against the public peace, or in violation of the law.

“That we feel the entire conviction that the present unfortunate condition of public affairs in this Province is in great part owing to the misunderstandings and dissensions which have prevailed in the

Whilst we ‘fear God, and honor the King,’ we feel that we best obey this injunction by honoring TRUTH; and on this occasion we meet to declare our conviction that TRUTH, REASON and JUSTICE, *alike require our support should be given to* THE GOVERNMENT, *in the measures it has adopted to correct the evil inflicted on this Province, by the misdeeds of one branch of the Legislature.*

“Various mottoes have been adopted by different Presses. That which we take is—

“*PRO REGE,—LEGE,—ET GREGE.*

“FOR THE SOVEREIGN,—THE LAW,—AND THE PEOPLE.

“In maintaining the rights of each, it is our fixed resolve that we will ‘nothing extenuate nor set down aught in malice,’ in this spirit do those who now address you mean to continue their labours.

“We are, respected Public,

“Your faithful servants,

“THE LOYAL PRINTERS

“OF QUEBEC.”

Legislature, and amongst the inhabitants of the Province; and that a remedy is to be found in avoiding these misunderstandings and dissensions for the future, and in the cordial union of all classes in promoting the peace, welfare and good government of the Province.

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"That it is equally the duty and interest of the Government, and the subject, of the colony, to co-operate in the remedy of all abuses which may be found to exist, to the end that the peace and prosperity of the Province may be effectually promoted, and all classes of the inhabitants be maintained in equal rights, and all the peculiar privileges which they enjoy, or to which they are legally entitled.

"That under the present circumstances it is our duty humbly to assure His Majesty's Government, that it may fully rely on our fidelity to the Crown and affectionate attachment to the connexion subsisting between this Province and the United Kingdom of Great Britain and Ireland.

"That an humble Address be presented to His Excellency the Governor in Chief, embodying these resolutions, and praying that he would transmit the same to His Majesty's Government in England.

"That the chairman, vice chairman, movers and seconders, with the following gentlemen, be a committee to prepare and present the said Address."

An Address, in conformity to those resolutions, was presented to the Governor in Chief on the 2nd of August, to which His Excellency returned the following answer:—

"GENTLEMEN,—I shall have much pleasure in transmitting, as you request, to Her Majesty's Government in England, the Address which you have just presented to me for that purpose, and I feel convinced that Her Majesty will receive with entire satisfaction the assurance of fidelity to the Crown, of

Chap. obedience to the laws, and affectionate attachment to
 xxxviii the connexion between this Province and the United
 1837. Kingdom, which so numerous and highly respectable
 a portion of the inhabitants of the city and vicinage
 of Quebec have thus come forward to tender. These
 assurances, in conjunction with that union of loyalty
 and public spirit which has so recently been mani-
 fested in this town, cannot fail to prove peculiarly
 acceptable at a time when the most artful and insi-
 dious attempts have been resorted to, to disseminate
 doctrines at variance with morality and justice, and
 tending to the overthrow and violation of those laws
 and institutions which secure to the whole body of
 Her Majesty's Canadian subjects the rights and im-
 munities they now enjoy.

“While I deeply regret these attempts, and while
 my earnest endeavours shall be directed to avert the
 calamities they are calculated to produce, I can as-
 sure you that I shall not cease to adhere to those
 principles which I have ever held, and shall always
 be ready and anxious, while I fill the high situation
 confided to me by our Gracious Sovereign, to co-
 operate in the remedy of abuses, in promoting the
 welfare and happiness of this Province, and in main-
 taining all classes of its inhabitants in the full and
 peaceful enjoyment of equal rights.

“Castle of St. Lewis,

“Quebec, 7th August, 1837.”

The official account of the death of His Majesty
 King William the Fourth, (which had occurred on
 the 20th of June,) reached Quebec on the day (31st
 July) on which the procession just mentioned took
 place. The intelligence was announced at four
 o'clock in the afternoon by the firing of sixty minute
 guns from the Citadel, the royal standard floating
 half-mast high from the Citadel flag-staff.

On the following day (1st August) the Governor

General and Members of the Executive Council assembled at the Castle of St. Lewis, and took the oaths prescribed by law. Orders were at the same time given for proclaiming Her present Majesty, Queen Victoria, with the usual formalities.

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A public meeting of the citizens of Quebec took place soon after this, at which it was resolved, that an Address of condolence and sympathy with Her Majesty on the decease of Her predecessor, the late King, and of congratulation upon her own advent to the throne of her ancestors, should be prepared. It was numerously signed, and transmitted, through the Governor in Chief, to Her Majesty, being as follows :

“ TO THE QUEEN’S MOST EXCELLENT MAJESTY :

“ Most Gracious Sovereign,

“ We, your Majesty’s most dutiful and loyal subjects, the Clergy, the Magistrates, and Inhabitants of the City of Quebec, and its vicinity, in your Province of Lower Canada, most humbly beg leave to offer to your Majesty our sincere condolence and sympathy on the mournful occasion of the decease of your Majesty’s Royal predecessor, King William the Fourth, of blessed memory.

“ Although distant from that portion of the Empire, over which His late Majesty more immediately reigned, the virtues and benignity of his disposition, and his unceasing anxiety for the honour, welfare and happiness of all classes of his subjects, were no where better known and felt than in these colonies.

“ As inhabitants of a celebrated port and citadel, justly deemed the key of the Canadian Provinces, we cannot but consider it a happy coincidence, that this city has not only been honored by the presence of your Majesty’s lamented Uncle, as one of the scenes of his early patriotic exertions in the naval service of his country, but also, subsequently, by the residence of your Majesty’s Royal Father, Prince Edward,





Chap. Duke of Kent, while serving as an officer in the army
 xxxviii of Great Britain, and in command of the royal forces
 1837. in this garrison.

"Your Majesty's faithful subjects in these Provinces have ever maintained their loyalty unimpeached; and have proved, by their readiness to defend their country in the hour of danger, that they justly appreciate all the blessings they enjoy under the paternal rule of the illustrious House of Brunswick.

"We, therefore, most humbly and respectfully entreat your Majesty to accept our most cordial congratulations on your Majesty's happy accession to the Throne of your ancestors, assuring your Majesty of the loyalty of these populous Provinces, and of the peculiar and heartfelt satisfaction with which the commencement of your Majesty's reign has been hailed by all classes of the people.

"We beseech Almighty God to preserve your Majesty's valuable life; to bless the Empire, to which it is our pride to belong, with peace and prosperity; and to vouchsafe that your Majesty may long live to reign over a free and contented people, the grace, ornament and example of a British Court."

A spirit of violence, however, notwithstanding those demonstrations of loyalty in the two cities of the Province, prevailed from an early period of the present summer, in various parts of the Montreal district, manifesting itself, in particular, at St. Eustache, St. Benoit, and other parts in their neighborhood to the north and westward of Montreal, where the British inhabitants were threatened, and injury in several instances done to their property, to an extent to alarm them for their personal safety, and of a character to induce, at length, the government to issue a proclamation, offering a reward for the discovery and conviction of the perpetrators, but without effect, however. In fact, the arm of the civil

power was now, in the disaffection that existed throughout the whole, or nearly so, of the rural parishes in that district, powerless, no one resident in any of them being willing, nor indeed daring, to come forward and execute legal process of any description, owing to the system of intimidation and terrorism that reigned. The conduct and language of several of the magistrates and militia officers at the various "anti-coercion" meetings that were held, had been so violent and seditious as finally to induce the Governor to take notice, and call some of the more conspicuous of them to account. Letters were addressed them by His Excellency's Secretary, desiring explanations of the language imputed to them at those meetings, as published in the public newspapers in their interests. This course was treated by those prints as one of "insolence," and nearly in the same style by the individuals addressed, most of whom, in answer, affected to repudiate their commissions from the crown as anti-republican, alien to the popular feeling, and, in fact, rather discreditable than otherwise to the individuals holding such. A multitude holding minor offices, such as commissionerships for the hearing and decision of small causes in the country parishes, overawed by the spirit that surrounded them, were induced to resign, to avoid the resentment of their revolutionary neighbors.

The *Ami du Peuple*, published at Montreal, on the evening of the 31st of October, states, that in consequence of resolutions passed at Napierville on the 29th, a mob, headed by Dr. Cote, had gone to the houses of some militia officers in the county of L'Acadie and forced them to resign their commissions.

One of the resolutions is as follows:—

"*Resolved*,—That all those who wish to live among the inhabitants of this parish be invited to resign, without delay, the different commissions which they

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Chap. hold under the present Government, and that we
 xxxviii will consider, as suspected, (*regarderons d'un mauvais*
 1837. *œil*.) those who may continue to hold commissions
 under Lord Gosford.

“Several of the officers, it appears, resigned in consequence; one, Mr. Timoleon Quesnel, is mentioned as having yielded only after threatened violence on a second visit.”

Instances of this description were now very common throughout the district of Montreal.

There were also indications in some parts of the District of Quebec of a spirit of violence, but not of an extent to create uneasiness. The focus and hot-bed of this feeling seems to have been at St. Thomas, some thirty miles below Quebec, on the south side of the St. Lawrence, as may be gathered from the following extracts from a Quebec paper of July:—

“We understand that a police officer was sent with warrants from the Police Office of this city on Tuesday last, to apprehend Dr. **** and two other persons of St. Thomas, who, in their great zeal to uphold the sovereignty of the people, seized upon and ill-treated a loyal habitant who was passing their meeting, at which the great Papineau was present, and had the temerity to shout *Vive le Roi, Vive l'Anglais*, for which treasonable offence he was obliged by the Dr. and his mobocrat associates to ask pardon. The Doctor and one of the persons were arrested, but the other was absent and has not yet been taken. Bail was given, but the affair is now brought under the cognizance of the law, and they will be duly proceeded against at the Criminal Term for this district to be held in September next.” Again,

“The Old *Quebec Gazette* has published the affidavits of ***** and *****, both residing in the parish of L'Islet, establishing the cowardly outrage committed upon them by a certain ***** of St. Thomas, one ***** and

one *****^{Chap.}, both of the same place, shop-keepers. These documents fully corroborate our former statement. The offensive words uttered by Leon Morin, were—*Hourra! pour le Roy Anglais! Nous avons toujours bien vécu avec les anglais, et nous vivrons toujours bien ensemble.*" And for this exclamation they were pursued by the gallant patriots,—who had about three hundred assistants ready to execute their orders—were forced to return, and, in fear of their lives, to apologize for having uttered words so offensive to these loyal persons—they were abused and ill-treated, and then permitted to proceed."*

Among those militia officers who had been cited by the Governor to account for their conduct and discourses at the so called "anti-coercion" meetings, was Mr. Speaker Papineau himself, who held the rank of Major, and to whom a letter, copy whereof is given below, was addressed on the subject. His answer was brief, and any thing, it must be admitted, but courteous.†

Mr. Papineau was consequently dismissed from the militia, by a General Order, a few days after the date of this letter. A multitude of other militia officers were in like manner dismissed shortly after.

* In the prevailing phrenzy, (for such, neither more nor less, it really was,) instances of the kind need create no surprise. Some of those who, in the war of 1812 were among the foremost of the truly patriotic men of that day, in defending their country against foreign aggression, were now, in the furor of the epoch, the most deeply imbued with this spurious patriotism and revolutionary mania..

† "CASTLE OF ST. LEWIS,

"QUEBEC, 12th August, 1837."

— "SIR,—The attention of the Governor-in-Chief having lately been called to a report contained in the *Vindicator* newspaper of the 16th May last, of the proceedings of a meeting held on the previous day at St. Laurent, in which you are stated to have taken an active part, and where resolutions were passed, some of which distinctly recommended a violation of the Laws, I am directed by his Excellency to call upon you as one holding a commission in

Chap. The demise of his late Majesty had the effect of
 xxxviii delaying the measures relating to Canada contem-
 1837. plated by the home Government, in accordance with
 the resolves of Parliament previously noticed. We
 find the following in the report of parliamentary de-
 bates, that took place with respect to Canada shortly
 after the Queen's accession :—

“ Lord J. Russell observed with respect to the
 resolutions affecting Canada, they had been approved
 of by a large majority of that House, and without any
 dissent in the House of Lords; but, at the same
 time, he was very unwilling, at the commencement
 of a new reign—(Cries of ‘hear, hear,’)—to propose,
 as almost a single measure, which, although he
 thought it absolutely necessary, was one that bore a

the militia, to state whether you were present at that meeting, and
 concurred in the resolutions there passed; and if so, I am to en-
 quire whether you have any explanation to offer in this matter.”

“ I have the honor to be, Sir,

“ Your most obedient

“ Humble servant,

“ S. WALCOTT,

“ Civil Secretary.

“ The Hon. L. J. Papineau,

“ Major 3rd Batt. Montreal Militia,

“ Montreal.”

The Hon. L. J. Papineau's reply to the above.

“ MONTREAL, 14th August, 1837.”

“ SIR,—The pretension of the Governor to interrogate me re-
 specting my conduct at St. Laurent on the 15th May last, is an
 impertinence which I repel with contempt and silence.

“ I, however, take the pen merely to tell the Governor that it is
 false that any of the resolutions adopted at the meeting of the
 county of Montreal, held at St. Laurent on the 15th May last, re-
 commend a violation of the laws, as in his ignorance he may be-
 lieve, or as he, at least, asserts.”

“ Your obedt. servant,

L. J. PAPINEAU,

“ Samuel Walcott,

“ Civil Secretary.”

In the resolutions passed at the meeting alluded to, at
 St. Laurent, (county of Montreal,) His Excellency was character-
 ized as a “traitor” and “hypocrite”—no flattering epithets certainly.

harsh and coercive character. (Hear.) It was a Bill that might probably be ultimately necessary, but he did not think it was absolutely necessary that they should proceed with it during the present session. (Hear.) He hoped the Assembly of Lower Canada would be induced to consider seriously the resolutions that had been passed by both Houses of Parliament, and thence be led to see that the claims they had put forward were incompatible with the relations between the colony and the Mother Country. At the same time he begged it to be understood, that he was conceding nothing to the Canadians, as to their propositions for organic changes; and he trusted that other views would animate the Assembly at their next sitting. But the Bill being abandoned for the present, it would be necessary to have a vote of credit for paying the judges and other officers in the colony, to be repaid out of the chest of the treasury in Lower Canada, should the House of Assembly not vote the sum itself." Chap. xxxviii
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The Earl of Gosford having received instructions from the Minister, issued his proclamation on the 8th July, convoking the Provincial Parliament for the 18th of August, and the representatives accordingly met at Quebec on the appointed day. The attire, (*en étoffe du pays*, or homespun) and grotesque appearance of several of the more patriotic members, on their arrival at the seat of government, was the subject of general remark and amusement.* The

*"A number of Her Majesty's lieges of this city,—ourselves among the number,—are still suffering from 'pains in the sides,' occasioned by their cachinatory powers having been cruelly overrated and worked upon yesterday about noon, by a number of individuals who arrived from Montreal in the steamer *Canada*. These were no other than Members of the House of Assembly attired in *éttoffe du pays*, conformably to general orders lately issued from smuggling head quarters.

"Mr. Rodier's dress excited the greatest attention, being *unique*, with the exception of a pair of Berlin gloves, viz.: frock coat of granite colored *éttoffe du pays*; inexpressibles and vest of the same

Chap. story of this session, if session it can be called, is soon
 xxxviii told. His Excellency opened the Parliament with
 1837. the following speech, the last pronounced from the
 vice-regal throne to a Lower Canada House of Re-
 presentatives:—

“ Gentlemen of the Legislative Council,

“ Gentlemen of the House of Assembly,

“ In obedience to the Royal commands signified to me through the Principal Secretary of State for the Colonies, I have convened you at this unusual period for the purpose of communicating to you the proceedings that since the last Session have taken place in the Imperial Parliament, and the resolutions that have been therein adopted, on the affairs of this Province.

“ This course has been prescribed to me in order to afford the House of Assembly, before that resolu-

material, striped blue and white; strong and beef shoes, with a pair of home-made socks, complete the *outré* attire. Mr. Rodier, it was remarked, had no shirt, having doubtless been unable to smuggle or manufacture one.”

“ Dr. O’Callaghan’s ‘rig out’ was second only to that of Mr. Rodier, being complete with the exception of hat, boots, gloves, shirt [*he had a shirt!*] and spectacles.

“ Mr. Perrault.—Smalls and waistcoat of the prevailing material; remainder of attire composed of real British duty-paying articles.

“ Mr. Viger (*Beau Viger*).—Vest only, as far as we could ascertain, of *étouffe*.”

“ Mr. McIlleur.—Same as Mr. Perrault.”

“ Mr. De Witt.— Do do do”

“ Mr. Cherrier.— Do do do”

“ Mr. Duvernay.—Do do do”

“ Mr. Jobin.—Complete with the exception of boots, shirt and spectacles.”

“ Dr. Côte.—A full suit of linsey-woolsey, viz.: grey frocke out, trimmed with black; unmentionables and vest of the same material, striped blue and white; ‘a shocking bad hat,’ so worn that it was impossible to distinguish any traces by which the country in which it was manufactured could be ascertained. Dr. Côte stumbled upon the block avoided by Mr. Rodier, and sported hose, shirt, spectacles, shoes, &c., of vile British manufacture and materials.

“ Mr. Lafontaine.—Same as *Beau Viger*.”—*Quebec Mercury*.

tion which relates to the payment of the arrears now due for the civil service of this Government shall have assumed the binding shape of a law, an opportunity of reconsidering the course which, for the last four years, they have thought it expedient to pursue with respect to the financial difficulties of the Province, and in the earnest hope that by a timely intervention of this Legislature, the exercise of the power intended to be entrusted to the head of the Local Government, may be rendered unnecessary—a result for the attainment of which Her Majesty's Government would willingly make every sacrifice, save that of the honor of the Crown and the integrity of the Empire.

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“Since the receipt of the Instructions, to which I have alluded, the mournful intelligence has reached us of the demise of our late deservedly beloved Monarch.

“Few Kings have reigned more in the affections of their subjects than William IV. The warm and lively interest He always took in every matter connected with the welfare of His Canadian subjects, cannot fail to increase their feeling of regret for His loss.

“The accession of our present Gracious Sovereign, Queen Victoria, to the Throne of the British Empire, has not produced any alteration in the course that had been previously prescribed for my adoption.

“The Reports of the Royal Commissioners on the several subjects which came under their investigation during their stay in Lower Canada, having been laid before the two Houses of Parliament, a series of resolutions, ten in number, were shortly afterwards introduced by Ministers relative to the affairs of this Province, copies of which I will communicate to you in the usual way at the earliest opportunity.

“The principal objects of these resolutions are to declare:—

Chap. XXXVIII
1837. "1st. That in the existing state of Lower Canada, it is unadvisable to make the Legislative Council elective, but that it is expedient to adopt measures for securing to that branch of the Legislature a greater degree of public confidence.

"2ndly. That while it is expedient to improve the composition of the Executive Council, it is unadvisable to subject it to the responsibility demanded by the House of Assembly.

"3rdly. That the legal title of the British American Land Company to the land they hold under their Charter, and an Act of the Imperial Parliament, ought to be maintained inviolate.

"4thly. That as soon as this Legislature shall make provision by law for discharging lands from feudal dues and services, and for removing any doubts as to the incidents of the Tenures of Land in free and common soccage, it is expedient to repeal the Canada Tenures Act, and the Canada Trade Act, so far as the latter relates to the Tenures of Land in this Province, saving, nevertheless, to all persons the rights vested in them under or by virtue of those Acts.

"5thly. That for defraying the arrears due on account of the established and customary charges of the Administration of Justice and of the Civil Government of the Province, it is expedient that after applying for that purpose such balance as should, on the 10th day of April last, be in the hands of the Receiver General, arising from the hereditary, territorial and casual revenues of the Crown, the Governor of the Province be empowered to issue, out of any other monies in the hands of the Receiver General, such further sums as shall be necessary to effect the payment of such arrears and charges up to the 10th April last.

"6thly. That it is expedient to place at the disposal of this Legislature the net proceeds of the hereditary, territorial and casual revenues arising within

the Province, in case the said Legislature shall see fit to grant a Civil List for defraying the charges of the Administration of Justice, and for the maintenance and unavoidable expenses of certain of the principal officers of the Civil Government of the Province, and

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“Lastly, that it is expedient that the Legislatures of Lower and Upper Canada respectively, be authorized to make provision for the joint regulation and adjustment of questions respecting their trade and commerce, and of other questions wherein they have a common interest.

“Having thus laid before you an outline of the measures contemplated by the resolutions which were passed after full discussion in the House of Commons by large majorities, and in the House of Peers without a division, I proceed, in obedience to the Royal Commands, to assure you that it was with the deepest regret and reluctance that Her Majesty's Government yielded to the necessity of invoking the interference of Parliament, in order to meet the pressing difficulties which other resources had failed to remove in the administration of the affairs of the Province. But with a view to abstain, as much as possible, from any interference which is not imperatively demanded by the force of existing circumstances, Her Majesty's Ministers have determined not to submit to the present Parliament the Bills to be founded on the resolutions of which I have just spoken. Yet as they cannot overlook the necessity of making immediate provision for the discharge of the debt from the Civil Government of this Province, they have resolved to propose to the House of Commons that a vote of credit should be passed for the advance, by the way of loan, from British Funds, of the sum required for the payment of the debt.

“Gentlemen of the House of Assembly,

“The accounts showing the payments that have been made since the close of the Session in March, 1836,

Chap. out of the revenues at the disposal of the Crown, in
 xxxviii part liquidation of the large arrears then due in re-
 1837. spect of the civil establishment of the Province, shall,
 as soon as possible, be submitted to you, with every
 explanation that you may desire, and I can supply.
 I have, likewise, in obedience to the injunctions I have
 received, directed that an account of the balance of
 arrears owing on the 10th April last for official sala-
 ries, and the other ordinary expenditure of the local
 Government, be made and laid before you, with an
 estimate for the current half year, and in recommend-
 ing as I do most earnestly these matters to your early
 and favorable consideration, I am commanded to
 express to you, at the same time, the anxious hope
 that the Governor of this Province may not be
 compelled to exercise the power with which the Im-
 perial Parliament has declared its intention of invest-
 ing him, in order to discharge the arrears due in
 respect of public services, for the payment of which
 the faith of the Crown has been repeatedly pledged.
 The chief object, therefore, for which you are now called
 together, is to afford you an opportunity by granting
 the requisite supplies of rendering unnecessary, on the
 part of the Imperial Parliament, any further action on
 the 8th of the series of resolutions to which I have
 alluded; and it will, I can assure you, be to me a
 matter of unmixed satisfaction, should you resolve to
 concede to the united voice of the British people, as
 expressed through the several branches of their
 Legislature, that which you have not thought it expe-
 dient to yield to the solicitation of the Executive
 Government alone.

“Gentlemen of the Legislative Council,

“Gentlemen of the House of Assembly,

“I am further commanded to express to you the
 earnest desire of Her Majesty’s Government to co-
 operate with you in the removal of every obstacle to

the beneficial working of the existing Constitution, Chap. and in the correction of every defect which time and ^{xxxviii} experience have developed in the laws and institutions of the Province, or in the administration of its government; and I am, also, to assure you of a prompt attention on the part of Her Majesty's Government to every representation which may proceed from you, tending to effect improvements of this nature, calculated to strengthen the connexion subsisting between Great Britain and Lower Canada, by the promotion of the welfare and interests of all classes of Her Majesty's subjects in this Province. 1837.

"At the time the summons was issued for assembling you on this day I had every reason to believe that it would have been in my power to announce to you, as effected, those alterations which you may gather from the resolutions of which I have spoken, it is intended to effect in the composition of the Executive and Legislative Councils, but the interruption occasioned by the demise of His late Majesty, to the progress of public business in the Imperial Parliament and the prospect of its early dissolution, have prevented the Ministers of the Crown from at once perfecting the measures they have in contemplation. These measures, therefore, are not forsaken, but only unavoidably suspended for a season, and I trust I shall, at no very distant period, be enabled to appeal to the changes introduced into the two Councils, as well as to other salutary arrangements, as a proof of the sincerity with which Her Majesty's Government are disposed to carry into effect the intentions they have expressed on these points.

"Since the end of the last session, several local Acts have expired, and I would suggest for your consideration the expediency of renewing such of them as may have proved useful. I would moreover especially invite your attention to the Acts relating to the district of St. Francis, the duration of which

Chap. is limited to the end of the session of the Provincial
 xxxviii Parliament next after the first of May last.

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“The severe distress which, in consequence of the partial or total failure of the crops, was experienced during the last winter in several parts of the Province, induced me, upon the urgent representations I received on the subject, and in order to avert the approaches of famine, to grant out of the public funds that succour which the means of the suffering inhabitants were inadequate to afford. Nor did I hesitate, in the pressing emergency of the case, to assume this responsibility, encouraged by the liberality you have displayed on similar occasions. In granting, however, such assistance, security was in each case taken for the re-payment of the monies so advanced, in the event of your declining to sanction the transaction. These advances amount in the whole to about £5,600, for which, as well as for the sums I issued for the preservation of the public works on the Chambly Canal, and for the maintenance of the quarantine establishment, I trust you will see no objection to grant an indemnity. Such of the documents and vouchers connected with the several disbursements as are not already before you, shall be submitted to you with as little delay as possible.

“In conclusion, Gentlemen, I shall repeat my determination to adhere to those principles which I laid down for my guidance when I first addressed you.

“They are calculated, I conscientiously believe, to promote the real interests of the country, and to secure to all classes of Her Majesty’s Canadian subjects, those rights, privileges and liberties which the spirit of the constitution was intended to impart, and which every friend to that constitution is bound to support and maintain.”

The Assembly, immediately after the delivery of His Excellency’s speech, resolved, on motion of Mr. Morin, “to take into consideration the state of the

Province." No business, in the determination to strike, was taken up except the Address, which being agreed upon as follows, was presented on the twenty-sixth of August, the eighth day after that of the opening of the session, to His Excellency:—

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" May it please Your Excellency,

" We, Her Majesty's faithful and loyal subjects, the Commons of Lower Canada in Provincial Parliament assembled, humbly thank your Excellency for your Speech from the Throne at the opening of the present session. We assure your Excellency that at whatever season we may be called upon to perform the duties entrusted to us by the people of the Province, no personal inconvenience will prevent our labouring, as our first and most important occupation, to ensure the liberties and happiness of our fellow subjects,—to remove the evils which have pressed, and still continue in a more aggravated form to press upon them, and to protect them against the system which has corrupted the Provincial Government, and has been sufficiently powerful not only to cause the Mother Country to refuse all justice to the people with regard to their demands and ours for the improvement of their political institutions, and for the reform of abuses, but to urge on the highest metropolitan authorities from whom we looked for justice and protection, to acts of violence, to a violation of the most sacred and best established rights of the Canadian people and of this Legislature, and to the destruction of the very foundations of Government. We are, then, bound by our duty, frankly to declare to your Excellency, under the solemn circumstances in which we are placed, and after full and calm deliberation, that since the time when we were last called to meet in Provincial Parliament, we have seen in the conduct and proceedings of the Metropolitan Government, and of the Colonial Ad-

Chap. ministration towards this country, nothing which
 xxxviii could re-establish in the people the confidence and
 1887. affection which the long and fatal experience of the
 past has almost destroyed ; but that, on the contrary,
 every recent event has tended to efface what remained
 of these feelings, and to consolidate, in opposition to
 the liberties, interests and wishes of the people, the
 Colonial Oligarchy factiously combined against them,
 and the hitherto unbridled and uncontrolled sway of
 the Colonial Ministers in Downing Street.

“ The avowal which it has pleased your Excellency
 to make to us, that the disposition of the authorities
 and of Parliament with regard to us, and the op-
 pressive and unconstitutional measures which have
 been the result, are the consequences of the recom-
 mendations made by certain pretended authorities
 known by the name of the Royal Commissioners, has
 convinced us of the correctness of the opinions we
 have heretofore expressed with regard to this Com-
 mission, which, constituted and acting under no law,
 and without regard to law, and bound beforehand by
 its instructions to the partial views and narrow policy
 of the British Ministry in the government of the
 colonies, could not possibly co-operate in doing
 justice to the inhabitants of this Province, and in
 establishing their institutions, their liberties and their
 prospects for the future, on the solid basis of their
 wishes and their wants, as well as on the principles
 of the constitution. We were therefore in nowise
 astonished at discovering in the productions of this pre-
 tended commission nothing but preconceived opinions,
 prejudices at variance with its mission and its duty,
 ideas of government founded on data utterly
 foreign to the country, or at finding it fomenting
 divisions and national distinctions, forgetful of con-
 stitutional principles, calumniating the provincial
 representation, and practising deception towards this
 House and towards the people. We are bound espe-

cially to notice in the reports in question one essential and paramount contradiction which pervades every part of them, and forms their essence. It is, that, while they admit the reality of the greater portion of the abuses and grievances of which we have complained, the Commissioners do not recommend their removal and the destruction of the causes which have produced them, but an act of aggression against this House which has denounced them, and the absolute destruction of the representative government in this Province, by the illegal and violent spoliation of the public moneys of the people, by the Ministers or by the Parliament; whereas it was the duty of the Commission and of the Mother Country to assist this House in the entire removal of these evils, and in rendering their recurrence impossible, by re-constituting the second branch of the Legislature by means of the elective principle,—by repealing all laws and privileges unjustly obtained, and by ensuring the exercise of the powers and legitimate control of this House over the internal affairs of the Province, and over all matters relative to its territory and the wants of its inhabitants, and more especially over the public revenue raised therein.

“These remarks will render unnecessary a portion of those which we might have been led to make on the series of resolutions spoken of by your Excellency, and which being proposed by Lord John Russell, one of the Ministers of the Crown, were adopted by the two Houses of the Parliament of the United Kingdom. We perceive in this measure on the one hand, a formal and total refusal of the reforms and improvements demanded by this House, and by the people, and, on the other, an abuse of the powers of Parliament, for the purpose of destroying the laws and constitution of this Province by force, violating with regard to us the most sacred and solemn engagements, and of thereby establishing irremediably on

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Chap. the ruins of our liberties, and in place of the legiti-
 xxxviii mate, efficient and constitutional control which
 1837. this House, and the people through it, have a right
 to exercise over all the branches of the Executive
 Government, corruption and intrigue, the pillage of
 the revenue, and the self-appropriation of the best
 resources of the country by the colonial functionaries
 and their dependants, the domination and ascendancy
 of the few, and the oppression and servitude of the
 mass of the inhabitants of this Province, without dis-
 tinction of class or of origin.

“It is our duty, therefore, to tell the Mother Coun-
 try, that if she carries the spirit of these resolutions
 into effect in the Government of British America,
 and of this Province in particular, her supremacy
 therein will no longer depend upon the feelings of
 affection, of duty and of mutual interest which would
 best secure it, but on physical and material force,
 an element dangerous to the governing party, at
 the same time that it subjects the governed to a
 degree of uncertainty as to their future existence and
 their dearest interests, which is scarcely to be found
 under the most absolute governments of civilized
 Europe. And we had humbly believed it impossible
 that this state of permanent jeopardy, of hatred and
 of division, could be wittingly perpetrated by Eng-
 land on the American continent; and that the liberty
 and welfare of every portion of the Empire were too
 dear to the independent body of the English people
 to allow them to prefer maintaining, in favor of the
 functionaries accused by the people of this Province,
 the system which has hitherto been its bane.

“If, even before the opening of the present
 session, we had been undeceived in this fond hope
 by public report, if we had little expectation that a
 sudden change in the councils of the Empire should
 place us at once in possession of the benefits of the
 constitutive reforms which we had declared to be

essential, and such as would alone be sufficient, it Chap.
 was still natural that we should most anxiously look xxxviii
 forward to our being called together in Parliament, 1837.
 because it was to be supposed, at least, that most
 important reforms had been effected in the adminis-
 tration of the Government, and that others were
 speedily to follow them: We have learned with
 fresh regret from your Excellency's speech, that no
 such reform has been effected, or will be so at any near
 and determinate period; notwithstanding the so often
 repeated pledges of the Government. Your Excel-
 lency has been pleased to allude distantly to the
 improvement of the personal composition of the
 Legislative and Executive Councils of this Province.
 With regard to the Executive Council, we shall here
 forbear any painful reflections on the unmodified
 existence of that body, after it had been so solemnly
 repudiated by your Excellency in the name of the
 Crown, and on its co-operation with the other por-
 tions of the Provincial Executive in a system of pre-
 meditated coercion to effect the overthrow of the laws
 and constitution, of incrimination, persecution, and
 arbitrary removals from office, directed against the
 mass of the people who remain faithful to the
 true principles of the British Constitution, and who
 have manifested their attachment to their assailed
 liberties. We further represent, that the present
 Executive, having, instead of performing its promises
 of justice and the removal of abuses and griev-
 ances, entered upon the dangerous and slippery
 path which has been the ruin of preceding adminis-
 trations, and having utterly alienated from it the
 affection of an important portion of those of Her
 Majesty's subjects most devoted to the liberty and
 welfare of the country, in order to bestow its confi-
 dence and that of the Government partially, on
 those only who flatter it, no longer possesses in
 the person of its Chief or in those of its other mem-

Chap. bers the capability of effecting the reforms indispen-
 xxxviii sably necessary as preliminaries to any arrangement
 1837. between the Government of the Mother Country and
 the colony, in a just, equitable, and impartial man-
 ner, adapted to satisfy this House and the people,
 and more especially to ensure between the several
 branches of the Legislature that co-operation and
 that uniformity of general views which we persist in
 believing to be absolutely requisite. We should have
 hoped that as a pledge of the sincerity of the Gov-
 ernment, the Legislative Council would have been
 so remodelled as to enable us to ascertain up to what
 point it had been rendered capable of legislating
 conformably with the wishes and wants of the people,
 and to act according to the conclusion to which we
 might have come on this important subject. This
 essential reform having been omitted, we are bound
 to declare that our duty towards the people by whom
 we are sent here, imperiously requires us to follow,
 under existing circumstances, the course adopted by
 us in our Address of the thirtieth September, one
 thousand eight hundred and thirty-six; we therefore
 persist therein, as well as in all the declarations
 and demands therein contained.

“The reforms which your Excellency announces
 as having been delayed, will, nevertheless, if effected,
 in a spirit of justice and harmony, become a power-
 ful motive with us for examining whether the Legis-
 lative Council in its present form of constitution,
 could even for a time co-operate with us in a system
 of Legislation conformable to the interests of the
 people, and of thereby ascertaining whether it shall
 have been so remodelled as to induce us to manifest
 confidence in Her Majesty’s Government.

“In our efforts to remove the evils which have
 pressed upon our country, we have had recourse to
 none but constitutional means, founded on the most
 approved and best recognized principles. We have

it so much at heart, to see the Government once more deserve the public confidence, that to assist it in attaining that confidence we should recoil before no sacrifice but that of the liberties or of the honor of the people. We have given proof of this disposition, even of late, whenever we have been able to entertain a hope that we were thereby aiding to advance the prosperity of the country. But we declare, that in the present conjuncture we have not been able to derive from your Excellency's speech, or from any other source, any motive for departing even momentarily from our determination to withhold the supplies until the grievances of the country are redressed.

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"Your Excellency acknowledges that the chief object for which we are now convened, is to afford us an opportunity by granting the supplies, of preventing their being violently taken under an Act of the Imperial Parliament founded on resolutions already adopted. In the absence of any other motive for thus recurring to our authority, than the tardy consideration of the character of those resolutions as well as of the act of which they might form the basis, Her Majesty's Government might, we humbly conceive, have recollected that those resolutions are not our work, that we had already fully deliberated on the demand made to us by your Excellency, and that while we have not before us any act, or even any hope which can promise a mitigation of the evils under which the people are suffering, we should not be justifiable in placing in the hands of hostile powers the means of aggravating and perpetuating those evils.

"There could exist, then, no considerations but such as might be dictated by a servile fear foreign to our mandate and derogatory to the character of the people, to induce us to be wanting to our duty in the present instance, by ratifying the violation of the rights of our constituents, and of this House, by the

Chap. British authorities, and by taking on ourselves the
 xxxviii responsibility of the consequences which might re-
 1887. sult from it. We leave this responsibility to those
 who have assumed it, and strong in the justice of
 our cause we rely, as we have heretofore done, on
 Providence, on the public and private virtues of all
 classes of the people, on their constancy, their per-
 severance, and their attachment to the principles of
 order and liberty which, following their example, we
 have unceasingly striven to maintain.

“In thus expressing our wish that a commence-
 ment of reform had tended to re-establish confidence,
 we cannot have been misunderstood as to the motives
 which actuate us. We repeat, nevertheless, that we
 shall regard all administrative measures whatsoever
 as insufficient permanently and effectively to ensure
 the peace, security and happiness of the Province;
 and that the essential and constitutive reforms which
 we have demanded, and especially the application of
 the elective principle to the Legislative Council, the
 repeal of all undue privileges and monopolies, and of
 injurious laws passed in England, the free exercise of
 the rights and privileges of this legislature and of this
 House in particular, and the establishment of a po-
 pular and responsible government, are the only means
 by which the advantages herein before mentioned
 can be ensured, or the political connexion with
 Great Britain rendered beneficial to the people of
 Canada.

“It is, therefore, our ardent wish that the reso-
 lutions adopted by the two Houses of Parliament
 may be rescinded, as attacking the rights and liber-
 ties of this Province, as being of a nature to per-
 petuate bad Government, corruption and abuse of
 power therein, and as rendering more just and
 legitimate the disaffection and opposition of the peo-
 ple. If this return by the Government of the Mother
 Country to what we consider its duty towards

this colony, should take place under the Reign of ^{Chap.} Her Most Gracious Majesty Queen Victoria, we are ^{xxxviii} unable to express to your Excellency how warmly ^{1887.} we should congratulate ourselves on having persevered in claiming justice for the people, notwithstanding the peculiar obstacles and difficulties which have tended to deter us.

"The special and local subjects pointed out by your Excellency, and in particular the advances of public money made to relieve the distress in certain parts of the Province, and for other purposes, will form the subject of our deliberations as soon as circumstances will permit, and whenever we shall be no longer prevented from considering them."*

To this Address (presented on the 26th of August) His Excellency answered :—

Mr. Speaker, and Gentlemen of the House of Assembly,

"The Address which you have just presented to

* (IN COMMITTEE.)

"Mr. Stuart proposed the following resolutions in amendment to the motion of Mr. Morin, that his draught of the Address in answer to His Excellency's Speech should be read paragraph by paragraph. The Hon. member (Mr. S.) stated at the same time that it was his intention, if they should meet the concurrence of the House, to move that the resolutions should then be referred, with the Speech, to a Special Committee to prepare an Address in conformity therewith:—

"That in the present state of this Province it is the duty of this House in so far as depends upon it, to provide for the most pressing wants of the Province, and the support of Her Majesty's Government. Yeas, 13—Nays, 63

"That it is the duty of this House to maintain its fidelity to the Crown, and to support the connexion of this Province with the United Kingdom of Great Britain and Ireland; using at the same time all constitutional means for the removal of the obstacles which have hitherto retarded the advancement and prosperity of the Province, and of securing to Her Majesty's subjects therein a better and more efficient Government than they now have."

"A long debate took place on the 1st Resolution, in which the Speaker, Messrs. Gury, Côté, De Bleury, Lafontaine, Rodier, Clapham and others, took part, and on a division the resolution was negatived. Yeas, 16—Nays, 61."

Chap. me I shall lose no time in transmitting for the information of Her Majesty's Government. I cannot, however, refrain from expressing the deep concern and regret which I experience at learning from you that you persist in your determination to deprive the country of the benefits of domestic legislation, until all the demands you have urged shall have been granted—demands which it is not in the power of the Executive Government to grant, and which on being submitted at your request to the judgment of the highest authorities of the Empire, they have solemnly declared it is inexpedient to grant.

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“The voluntary and continued abandonment of your functions as one branch of the Local Legislature, notwithstanding the assurance you have received from the high authorities to whom you have appealed, that improvements will be made in the Executive and Legislative Councils, while it daily increases the evils under which the Province labors, is at the same time a virtual annihilation of the constitution under which that Legislature derives its existence.

“Being thus unhappily denied that assistance which I had hoped to receive from the representatives of the people for relieving the country from its pressing difficulties, it only remains for me to assure you that I shall exercise, to the best of my judgment, the powers vested in me as the Representative of our Sovereign, for the preservation of the rights and the advancement of the interests and welfare of all classes of Her Majesty's Canadian subjects.”

He then immediately, after the Members had retired from his presence, issued a proclamation proroguing the Parliament, as Lord Dalhousie, on a particular occasion, (with respect to the Speakership,) had done, and they met no more. It had become necessary, owing to the recent demise of the Crown, that the Members of the Legislature should, previous

to the opening of the session, take the oath of allegiance to the new Sovereign. This was spoken of by several as an unnecessary and idle form that ought to be dispensed with ; finding it, however, indispensable, it was taken reluctantly, and, it is said, not without undisguised *degout* by Mr. Speaker Papineau and his more enthusiastic followers, and accordingly the value they attached to it will shortly be seen. Several of them, it is painful to observe, were in open insurrection against her authority, and firing upon her troops in less than four months after thus solemnly pledging themselves to their just allegiance to the Crown and young Sovereign of England, and to the maintenance and support of her Government in Canada.

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Upon the demise of the late King, and Her Majesty's accession to the Throne, a solemn *Te Deum* was chaunted in the Roman Catholic Parish Churches throughout the Province. It was, however, but ill received in several of the Parishes in the District of Montreal. Pointe aux Trembles, St. Isidore, and Vaudreuil, were particularly noticed by the *reform* or *patriotic* papers for their zeal in disturbing these loyal demonstrations of the Clergy in this respect, some of whom were threatened with popular violence for it. It was pretended by the patriots, that this pious and loyal act of thanksgiving to the supreme Ruler of the Universe, chaunting the *Te Deum* in a Roman Catholic Church in honor of Her Majesty's accession, and, by the same rule, the offering up of prayer for the Queen, the Royal family, and the two Houses of Parliament, converted the Church into a political conventicle. The seditious hypocrites, thus pretending to take offence on the score of respect for religion and the sanctity of the place, rising from their seats, and retiring from the Churches on the occasion, were nevertheless themselves, be it observed, in the constant habit of addressing the

Chap. assembled *habitants* on Sundays at the Church doors
 xxxviii immediately after Divine Service in the forenoon,
 1837. preaching "*notre nationalite*," and vehemently in-
 citing them to treason and insurrection, towards the
 consummation of it, as a duty and a virtue.

In addition to the loyal movements at Montreal and Quebec already noticed, and others in the Townships inhabited by persons of British birth or origin, one took place in Glengary, Upper Canada, soon after the prorogation, deserving of notice, in which the loyal Scotch Highlanders, or inhabitants of Highland descent, chiefly constituting the population of that county, unequivocally expressed themselves, and in a manner cheering to their countrymen, and to the loyal inhabitants generally in Lower Canada.

The following are the resolutions passed on the occasion :—

" *Resolved*,—That as faithful subjects of Her Majesty our most gracious Queen, and bound alike by duty and inclination to maintain Her Government in and over this portion of her dominions; we cannot but view with extreme concern and regret various proceedings, prompted principally by persons connected with the Legislature in our sister Province, intended by their movers, and avowed to be so intended, to bring about a revolution in these Provinces, and if possible, a separation from the Mother Country.

" *Resolved*,—That while we disclaim any desire to interfere in the internal affairs of our sister Province, we cannot be insensible that the interests of Upper and Lower Canada are inseparably connected, and that any violent political struggle or convulsion in the one, must necessarily extend to and involve the other, and that it, therefore, becomes not only a matter of prudence, but of duty on the part of all loyal subjects in this Province, plainly to declare, as the county of Glengary now unequivocally does,

that every effort on their part will be used, at all times and under all circumstances, to discountenance all seditious and treasonable practices, and to put down any attempt at revolution, wherever the same may originate.

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“ *Resolved*,—That the recent proceedings of the House of Assembly of Lower Canada, and the claims and pretensions set forth in the answer of that body to the speech of His Excellency the Governor in Chief, at the opening of the late session, cannot leave room to doubt, if any doubt previously existed, that it is the determination of the leading Members of the Assembly, to accept of nothing less than an absolute surrender of all control on the part of the Government of the Mother Country, and an abandonment of the principles on which monarchical institutions are founded.

“ *Resolved*,—That while we anxiously desire that the blessings of good government should be enjoyed by all classes of our fellow subjects, and to that end would rejoice at the removal of any well grounded cause of complaint, we can perceive but little reason to hope that any change for the better can proceed from, or be brought about by men, who, professing the strongest attachment to the interests of the people at large, too plainly exhibit in the two Provinces, that they are influenced by considerations wholly apart from the public welfare, and who, disregarding the solemn obligations of an oath of allegiance, strive, by every means within their reach, to create discontent and disloyalty, and to overturn the Government to which they have sworn to be faithful.

“ *Resolved*,—That whatever evils may exist in the Government of these Provinces, and we have yet to learn that any form of government is exempt from some evils, we are firmly persuaded that it is the anxious desire of the Imperial Government, to adopt towards these colonies such a course as shall be best

Chap. calculated to promote the peace, welfare and good
 XXXVIII government of their inhabitants, and that we are too
 1837. sensible of the advantages which we now enjoy,
 under the fostering care of one of the greatest and
 freest nations of the earth, to desire or seek a change
 in our political condition.

“ *Resolved*,—That this meeting express in their own name, and that of all the loyal inhabitants of the county, their utter disgust at the insolent disregard of the respect due to his station, exhibited to His Excellency the Earl of Gosford, by persons within his Government, and especially by the Speaker of the House of Assembly, from whose high station a more discreet and decent line of conduct might reasonably be expected.

“ *Resolved*,—That an Address, founded on these resolutions, be presented to His Excellency Sir Francis Bond Head, Lieutenant Governor of this Province, respectfully praying him to communicate the same to His Excellency the Governor in Chief, with an expression of the determination of the loyal inhabitants of Glengary, to stand firm by the Throne and Altar, and cordially co-operate with him in maintaining unsevered the connexion so happily subsisting between Great Britain and her American colonies.”

The Constitutional Association of Montreal issued on the 4th of September “an Address on the Legislative Union of Upper and Lower Canada,” more able and interesting from its statistics than any that hitherto had appeared upon the subject.*

While, however, the constitutionalists were preparing for the coming emergency, the work of treason was not less actively and openly carried on. A number of young *soi disant* patriots at Montreal associated themselves under the title of “*filz de la liberté*,” (*Sons*

* Appendix, letter F.

of *Liberty*,) assembling as a military corps, with fire-arms, and drilling, as if sanctioned by the authorities of the "nation," issuing also a manifesto (imitating, in style and pretensions, that of the famous Declaration of American independence) declaratory of the causes and objects of their arming and organization. This piece of fanfaronade was pompously displayed in the "patriotic" papers, with *forty-five* names of those "Sons of Liberty," (chiefly idle boys, stripling attornies, and merchants' clerks,) as the substructure and corner stone of the future CANADIAN REPUBLIC, and the commencement of a new and glorious era for Canada. "The authority of a parent state over a colony"—says this truly mimic document, memento of the rage and folly of the times—"can exist only during the pleasure of the colonists; for the country being established and settled by them, belongs to them by right, and may be separated from all *foreign* connexion whenever the inconveniences resulting from an Executive power residing *abroad*, ceasing to harmonize with a local legislature, makes such a step necessary to the inhabitants, for the pursuit of happiness."

Again,—“A separation has commenced between parties which will never be cemented; but which will go on increasing, until one of those sudden—those unforeseen events that attend the march of time, affords us a fit opportunity for assuming our rank among the independent sovereignties of America. Two splendid opportunities have been lost. Let us not be unprepared for the third. A glorious destiny awaits the young men of these colonies. Our fathers have passed a life of vexation in daily struggles against every degree of despotism. As they pass from the world they leave an inheritance improved by their patriotic sacrifices. To us they commit the noble duty of carrying onward their proud designs, which in our day must emancipate our beloved country from all human authority except that of the bold democracy residing within its bosom.”

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Chap. In the county of Two Mountains, and in various
 xxxviii other parts in the same district, "anti-coercion,"* or,
 1837. more properly to speak, revolutionary meetings were
 also about the same time held, in co-operation with
 the central permanent committee at Montreal, and
 resolutions adopted to dissolve Her Majesty's Law
 Courts, by superseding them by local tribunals of
 popular creation, to which exclusively all matters of
 dispute among the inhabitants were to be referred, and
 decided by them, it being understood that their de-
 cision was to be final and binding.† These courts

* Mr. Neilson observes—"These meetings, in the spirit of imitation and deception which characterize the faction with which they originate, are styled 'anti-coercion meetings.' If meetings were held to oppose the measures of the House of Assembly, they might, in truth, be so styled, for that body alone has as yet resorted to any coercive measures. They have brought ruin on the country for the last three or four years by an attempted coercion to effect a change of the established constitution, and we believe there are few who expect they will do any thing for affording relief. That will come, however, from the British Government and the loyal inhabitants of the Province, who can now no longer be deceived as to the true character of its disturbers."—*Quebec Gazette*, 12th May, 1837.

† The violence in this county had manifested itself at an early period of the present season, as may be understood by the following extract from the *Montreal Gazette* of the 15th July:—

"A gentleman has just called on us, and states, upon the authority of letters which he had received from St. Eustache, in the course of the forenoon, that things are beginning to assume an alarming aspect in that part of the country. The people were flying into the village, alarmed at the appearance of armed bodies of men coming from Grand Brulé. Some of the Scotch settlers of Cote St. Joseph had left their homes, leaving their property to its fate. A large party had been parading themselves armed on the Cote, uttering vengeance upon all loyalists, because one of their party had been arrested by the High Constable, and whom they intended to have rescued, but were too late.

"Another house had been fired into on Wednesday evening in Cote St. Mary; and the house of one Piché and two others had been broken. The servants of a gentleman, while proceeding to their work in the fields, were chased away, and told, that if they would attempt to work, they should be shot. We are also informed, that Messrs. * * * and * * *, with a large party from Grand Brulé, were firing off guns, and threatening vengeance upon all the loyal inhabitants in that neighbourhood.

"We are informed on good authority, that although the leaders

were to be held by "Pacifcator Judges," (*juges de Chap. paix amiables compositeurs*), elected by the people of xxxviii the parish or other locality for which they were to be constituted.* The organization of a military force 1887. was also enjoined.

"The military code" (says one of the papers of the day) "of this *North West Republic of Lower Canada*, is comprised in the following resolutions:—

"*Resolved*,—That the reformers who have begun to drill, shall form themselves, in each parish, in voluntary companies of militia, under the command of officers elected by the militiamen, and shall be drilled in the management of fire-arms, and in light infantry evolutions and movements.

"Returns of such corps shall be transmitted, from time to time, to the Permanent Committee, which binds itself to provide for those of the said corps who shall distinguish themselves by their good order and superior discipline, whatever arms and accoutrements they may require.

"Officers of militia already dismissed by the Governor in Chief, or who hereafter shall be deprived of their commissions because of their patriotism, shall be re-elected by the militiamen.

"*Resolved*,—That the proceedings of this sitting be

of the popular commotions in the County of Two Mountains, continue their Sunday harangues at the Church doors; yet that they have considerably abated in their tone of defiance, since the report has been spread among them, that it was in contemplation to send out some troops to keep the peace in the disturbed quarters.

* "The *Montreal Minerve* of the 16th of October, gives an account of a meeting at St. Joachim, in the County of the Two Mountains, on the 15th. Laurent Aubry, dit Teclé, in the chair; Dr. Chenier, Secretary, at which twenty-two persons (whose names are given) were elected Justices of the Peace (*pacificateurs*) for four parishes.

"The first resolve was, that the permanent Committee of the County was a legitimate body derived from the people, and ought to be obeyed by all reformers; and it will be recollected that the said Permanent Committee had previously declared that all those who will not obey, are treated as *public enemies*."—*Neilson's Quebec Gazette*, Oct. 20, 1887.

Chap. communicated to the Central Committee at Montreal,
xxxviii and published in the reform newspapers.

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“By order,

(Signed,)

“J. WATTS,

“Corresponding Secretary.”

These indications, not to be misunderstood, of a revolutionary purpose, induced the gentlemen at Montreal, who had proposed the previous autumn to form a rifle corps, again to tender their services to the Governor in Chief in case of need. A deputation from Montreal accordingly waited upon his Excellency at Quebec, on the 7th of October, to whom he gave the following answer:—

“I request you, gentlemen, to acquaint the petitioners who, through you, now tender their services to Her Majesty, by desiring to be enrolled as a Volunteer Corps, that although I must decline to accede to their proposal, yet I derive much satisfaction from the assurance conveyed by the tenor of their petition, that, in the event of any extraordinary municipal aid being required, I can rely with confidence upon their loyalty and their attachment to the principles of good order for any assistance that may be necessary to support the laws, and preserve public tranquillity; and I feel persuaded that the good sense and reflection of the petitioners will at once supply reasons of sufficient weight to secure their concurrence in the soundness of the conclusion at which I have arrived.”

To many of those who are not thoroughly acquainted with the state of Lower Canada, and the agitated feeling of the great majority of its inhabitants, at this period, it may seem strange that the Executive did not take legal measures to check the seditious spirit which now, more or less, in all quarters of the Province manifested itself, but, in the almost

universal prevalence of disaffection, all legal recourse would have been futile. The very sources of justice were poisoned. The people, and their representatives, the juries, the bar, the bench even, were all tainted, more or less, with the political leprosy of the times, and not to be relied upon for a sober and unbiased verdict upon the guilt of any political culprit who might have been selected as a fit subject for example. The greater and more flagrant his guilt, the greater probably would have been his merit in the estimation of his judges, and with it the chances of a verdict in his favor, and his acquittal in triumph and with *eclat*. The Government was palsied and powerless, while its officials, unpaid for their services during the four previous years, were in a state of despondency. Many of them, their credit being exhausted, were destitute of resources, and moreover uncertain whether the next step of the Home Government, so slow and uncertain in its movements, might not be, by the abandonment of the country, to cast them adrift to be dealt with according to the tender mercies of the revolutionary faction, kept now in check only by the British population in Quebec, Montreal, and the Townships, who, it is true, feeling themselves sure of support from their countrymen in the neighbouring Provinces, also prepared for action with an ardour worthy of their lineage.

It was clear from the spirit that universally prevailed, worked up as it had been to phrenzy by the ruling agitators, and rural demagogues in their interests, who in all quarters actively co-operated with them, that nothing short of a crisis could restore to the Government its just and necessary authority, and equally evident that the moment was now rapidly approaching, but not more so, since it seemed inevitable, than was eagerly desired by those who were* determined at all events to stand by their allegiance, repel the shock, and succeed or perish in the conflict, desperate,

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Chap. as from the exasperation that prevailed, they reason-
 xxxviii ably supposed it would be when it came on. Both
 1837. parties indeed anticipated the event with the deepest
 interest and equal confidence, though with very dis-
 similar aspirations; the revolutionary to establish,
 in the disorganization and general break-up of so-
 ciety, their *nationalité* and independence as a republic,
 never seeming to entertain a doubt of their ability
 to realise it by force of arms when the struggle
 should occur, counting also on the sympathy and
 assistance of the neighboring republic; the Govern-
 ment and its loyal adherents, on the contrary, looking
 forward to the crisis with equal anxiety and eagerness
 for the restoration through it of order and the domin-
 ion of the laws.

A great agitation meeting took place at St. Charles,
 (River Richelieu) the 23rd October, at which dele-
 gates attended, including Mr. Papineau from the Six
 Confederated Counties, as they were now denomina-
 ted, L'Acadie, being on the present occasion admitted
 into the confederacy of the five counties previously
 combined in the revolutionary scheme.*

(From the *Vindicator*.)

* "St. MARC, Tuesday morning. Four o'clock."

"The meeting of the five counties took place yesterday, at noon,
 at St. Charles. There were present at least five thousand per-
 sons. Many estimate the number much higher. The roads
 through the country are in a bad state. Were it not for that cir-
 cumstance, the number present at the meeting would have been
 double what it was. The delegates from the several parishes
 were in regular attendance, and appeared to feel the importance
 of the business which brought them together.

"A large number of delegates arrived on Sunday afternoon,
 and assembled privately at St. Charles, in the evening, when they
 named a Committee to prepare a set of resolutions to be presented
 to the meeting. This Committee made a report of the resolutions
 which they had prepared, to a meeting of the delegates, yester-
 day morning, previous to the opening of the general meeting,
 when they were discussed and a draft reported was received.
 At a little after noon, the proceedings of the day commenced.
 The people met in a large meadow, near the village, belonging to
 Dr. Duvert, where a hustings had been prepared. Among the
 gentlemen present were thirteen Members of the House of Assem-

The disorganizing and treasonable character of the resolutions passed on this occasion, the audacious speeches wherewith, on their passing, they were accompanied, and the effrontery with which they were paraded in the columns of the English organ of the reformers, the "*Vindicator*," and trumpeted by its editor, left no room to doubt of the predetermined and desperate purposes of the leading agitators and their zealous but deluded followers.

The base attempt to divert the soldiery from their allegiance and duty, and to desert, by affecting to "commiserate the unhappy lot of the soldiers," and holding out with this view, that "the people of these counties would throw no obstacle in the way of the men belonging to the regiments stationed in this District, should they desire to improve their condition by emigrating (*i. e.*, to desert) to the neighbouring republic," was the most criminal step that had yet been proposed towards the disorganization of Her Majesty's Government, and unequivocally exhibited in noon-day light the diabolical purpose of the assembled *soi-disant* reformists and patriots. The

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bly, and one Member of the Legislative Council, who came as delegate from Verchères. Every gentleman of character and influence on the River Chambly, and adjoining parishes, was on the ground, and among them were to be seen many who up to this day, entertained very moderate opinions, but whom Lord Gosford's policy has driven into a determination to stand by their country, come what will."

"Wolfred Nelson, Esq., of St. Denis, presided over the meeting. J. T. Drolet and Dr. Luvert were the Vice-Presidents. The Secretaries were, (I believe,) Messrs. Girod and Boucher-Belleville. The meeting was addressed by the President; the Hon. Mr. Papineau, L. M. Viger, Esq., M. P. P.; L. Lacoste, Esq., M. P. P.; C. H. O. Cote, Esq., M. P. P.; E. E. Rodier, Esq., M. P. P.; T. S. Brown, Esq., and Mr. Girod. The resolutions passed on this occasion are thirteen in number. It is impossible to send a copy herewith. As far as I can judge by hearing them read on the ground, they may be said to be moderate in spirit, compared with the times in which we live. They commenced by briefly enumerating the Rights of Man, among which is that of changing its political institutions, and altering the form of its Government when-

Chap. perfidious invitation and promised facility had, how-
 XXXVIII ever, no effect. It is a fact creditable to the army
 1837. then in Canada that, from henceforth to the outbreak,
 and thenceforward during the troubles in this and
 the ensuing year, not a single desertion occurred.

As a set-off to the above, a great Constitutional meeting was held at Montreal, at which it was said upwards of seven thousand individuals attended, and on the same day as that at St. Charles; the Hon. Peter McGill, ever foremost in loyal agitation and acts of loyalty to his Sovereign and country, presiding. The following resolutions, passed on the occasion, were carried with unanimity and acclamation:—

“*Resolved*,—That all citizens have an equal right to the protection of the Government, which consists not merely in the suppression and punishment of disorder, but in the employment of adequate means to anticipate and prevent the commission of those crimes with which the social state may be threatened, and that the machinations of a disorganising and revolutionary faction in this Province, acting partly by means of the turbulence and excitement of public

ever the people please. The inhabitants of the several counties are next invited to meet simultaneously in their respective parishes in the month of December, and *elect* Magistrates and Officers of Militia; any person accepting a Commission from this time to Lord Gosford's departure is declared infamous, and the meeting adopted the recommendations of the county of Two Mountains contained in the 8th Report of its Permanent Committee. One of these recommendations, it will be recollected, is to train the militia. The recent nominations to the Legislative and Executive Councils are gravely censured, together with the baneful policy pursued by Lord Gosford. The meeting protests strongly against the introduction of armed troops in time of peace, in the colony; it declares at the same time, that it commiserates the lot of the poor soldiers, the desertion of whom to the neighbouring States, the people declare they will not prevent. The meeting afterwards solemnly approves the Organization of “The Sons of Liberty” in Montreal, and calls on the young men throughout the country to organize themselves into similar bodies, in their respective parishes, to be prepared to assist the Society in Montreal whenever circumstances call on them to act. Finally, the delegates are directed to meet

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meetings, at which the most unfounded and inflam- Chap.
matory speeches are delivered, and partly through xxxviii
the medium of a licentious press which inundates the 1837.
Province with slander and sedition, public feeling has
been excited, the foundations of social and moral
order have been shaken, the Government has been
brought into contempt, and the connexion between
this Province and the Mother Country attempted to
be destroyed.

“*Resolved*,—That this meeting has seen with
alarm that the prerogative of the Crown has been
deliberately perverted by the appointment to offices
of trust and responsibility of advocates of sedition
and of enemies of the existing constitution of the
Province, and that the present excited state of public
feeling has been promoted and encouraged by the
injudicious and ineffectual attempts at conciliation by
the Government.

“*Resolved*,—That as isolated individual exertion
would be utterly inadequate to cope with all the evil
energies now arrayed against public order and pub-
lic peace, and as those evils cannot be effectually

again to-day, (Tuesday,) to consider such propositions as may be
submitted to them, with power to adopt the same on the part of,
and for, the people whom they represent, if they think fit. What
these propositions will be, I have not learned.

“I forgot to state that previous to the resolutions having been
proposed, Dr. Cote, one of the Members for L’Acadie county, came
on the ground at the head of a delegation from the county, and
presented an energetic and well written Address to the people of
the Five Counties, on the state of the Province, and praying that
the county of L’Acadie be admitted into the union of these coun-
ties. This proposition was agreed to with acclamation, amid the
firing of volleys of musketry, and the roar of cannon, and it was
further resolved that the counties of Laprairie and Missisquoi.
(bordering on the Richelieu River,) may join the confederation if
they think proper. This will make eight counties instead of five.

“During the meeting, a company of between 60 and 100 militia
men attended, with arms, on the ground, under the command of
Captains Lacasse and Jalbert. They went through their man-
œuvres in very good style; a volley was fired at the passing of
every resolution.

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prevented without active, zealous and persevering co-operation of every good subject, which co-operation, to be effectual, must be the result of a regular and systematic union of individuals, this meeting considers it expedient, that the loyal and well-disposed part of the community do form themselves into associations within their respective wards, for the purpose of organization and general concert in case of emergency or necessity; that the several associations do appoint their respective committees from among their resident members, to whom the local organization and management shall be entrusted, and that a sub-committee, consisting of two members from each ward committee, shall assemble to concert a general system of measures to be pursued in case of any disturbance.

Resolved,—That this meeting is persuaded that there exists no substantial cause for apprehension of a successful rebellion against the British Government, by the mass of our fellow-subjects of French origin, though the utmost activity and perseverance are employed to create disorder and sedition amongst

“The weather was beautiful during the whole day; nothing could equal the regularity and order which prevailed throughout. The ground was covered with flags bearing various inscriptions, which the people brought from the surrounding parishes, and which, waving in the wind, gave a most excellent effect to the meeting.

“A very handsome column, a piece of wood surmounted with “a cap of Liberty,” was erected, on the occasion, in honor of Papineau, on the ground. It bears an inscription of which the following is a translation:—“To Papineau, by his grateful brother patriots, 1837.” After the meeting was over, Mr. Papineau was led to the front of the column, and addressed by one of the gentlemen, to which the Hon. gentleman replied in a suitable manner. The young men who attended the meeting afterwards marched in procession to this pillar, before which they sung a popular hymn, and laying their hands on the column, swore that they would be faithful to their country, and conquer or die for her. This solemn vow was registered in the hearts of all present, amidst volleys of musketry and the thunders of artillery. It was a solemn and impressive sight.

“The resolutions were as follows:—

them; but feeling that to guard against the pernicious influence of that activity and perseverance, and to arrest it, is the bounden duty of every good subject, this meeting calls upon their fellow-subjects throughout the Province to organize themselves into loyal associations, as the most effectual means for the security of good order, the protection of life and property, and the maintenance of the connexion happily existing between this Province and the British Empire.

“*Resolved*,—That this meeting seizes this present opportunity of declaring its opposition to the application of the elective principle to the Legislative Council of this Province, and of reiterating the claims of the inhabitants of Lower Canada of British origin, to the abolition of the feudal tenure, and the establishment of an efficient system of registration for mortgages, the want of which has not only retarded the settlement and improvement of the Province, but has rendered it conspicuous for its backward condition in comparison with our sister Provinces.

“*Resolved*,—That the Irish inhabitants of this

“*Resolved*,—That in accordance with the example of the Wise men and Heroes of 1776, we hold as self-evident, and repeat the following truths:—That all men are created equal; that they are endowed by their Creator with certain inalienable rights: that among the number of these Rights are life, liberty and the pursuit of happiness; that it is for the protection and security of these Rights that Governments were instituted among men, deriving their just authority only from the consent of the governed; that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or abolish it, or to institute a new government, laying its foundation on such principles, and organizing its powers after such form, as to them shall seem best adapted to secure their safety and happiness.

“*Resolved*,—That the authority of Great Britain over the Canadas cannot, and should not, continue, except by the good will of their inhabitants, and cannot rest on brute force which confers no rights, but gives an unjust power which can exist only until the day of successful resistance; that the people have *a fortiori*, the right to demand and to obtain, as a condition of their voluntary allegiance, such changes and improvements in the form of their

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city do hereby express their unqualified abhorrence of the low and base attempts that are making to draw them over to the revolutionary party, whose designs they consider inimical to all good government and to the safety and well-being of this Province, and at the same time their readiness, should it ever be necessary, to repel by force those whose every action bespeak them the enemies alike of themselves and of their countrymen in general."

The indications in all quarters of the district of Montreal, of an approaching insurrection, induced at length the Roman Catholic ecclesiastical authorities to intervene, and a "*mandement*" or pastoral letter from the Roman Catholic Bishop of Montreal (Monseigneur Lartigue) and a relative of Mr. Papineau, accordingly was issued, addressed to his "clergy and all the faithful of his diocese," and publicly read during divine service in every Church thereof. Deserving to be preserved as a valuable record, it is annexed as an appendage to the present chapter. The loyal prelate deplures through it the unhappy dissensions that had arisen in the Province, admon-

governments as their wants, the progress of their country since 1791, and their present condition, render necessary for their contentment and well-being.

"*Resolved*,—That the arbitrary dismissals from office ordered by the Governor in Chief during the last three months, and which have not yet ceased, but still daily continue, against a number of Justices of the Peace, Officers of Militia and Commissioners for the Summary Trial of Small Causes, throughout the parishes, for having taken a part in the proceedings of county meetings holden by the people for the vindication of their invaded rights, prove, to demonstration, that His Excellency unworthily abuses the prerogative of the Crown, with a view to remove from such offices those who having filled them with integrity and independence, had obtained for themselves the esteem and confidence of the public, and for the law the respect and attachment of the people, in order to replace them by servile instruments, disposed to favor his violent policy, even under the weight of the universal contempt of their fellow-citizens.

"*Resolved*,—That it is of urgent necessity, under such lamentable circumstances, to replace the individuals whom an administration

ishes his compatriots of their duty to God and their Sovereign, reminding them, moreover, that there was nothing that could render him an object of their suspicion—"In our veins as in yours flows Canadian blood. We have given frequent proofs of the love we have for our dear and common country; and as the Apostle, so can we take God to witness how we long after you all in the bowels of Jesus Christ;—besides, you know that we never received anything of the Civil Government, as we expect from it nothing but that justice which is due to every British subject; and we bear testimony to the truth when we solemnly protest, that, in speaking to you on the present occasion, we speak of ourselves, impelled by no exterior influence, but solely actuated by motives of conscience. It is not then," he adds, "our intention to give an opinion as a citizen on this purely political question, among the different branches of government, which is in the right, or which is in the wrong—(this is one of those things which God has delivered to the consideration of men—*mundum tradidit disputationi eorum*), but the moral question,

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inimical to the country will name to those offices, by men worthy of confidence; that all the parishes of the Six Counties are hereby invited simultaneously to elect, between the first day of December and the first day of January next, pacificator Justices of the Peace, and Officers of Militia; and that the regulations of the county of Two Mountains be provisionally adopted for their direction and jurisdiction.

"*Resolved*,—That under the penalties laid down in the said regulations, and under the more powerful bonds of honor, the Reformers of the Six Counties will at the same time obey and assist to the utmost, the officers by them so chosen; and they will systematically oppose such officers as shall be named by Lord Gosford, from this day to the day of his departure from the Province, refusing their confidence to them, lending them no cordial aid, obeying their orders only in such cases as they cannot dispense with doing so without a manifest violation of the laws; and subscribing funds to prosecute and punish them in all cases where they render themselves guilty of an abuse of power.

"*Resolved*,—That the inhabitants of the Six Counties of right expected that the Province would not be continually deprived of the

Chap. namely, what is the duty of a Catholic towards the
 xxxviii civil power established and constituted in each
 state ?” Further on, he observes—
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“The present question amounts to nothing less than this—whether you will choose to maintain, or whether you will choose to abandon the laws of your religion. Should, then, any one wish to engage you in a revolt against the established Government, under the pretext that you form a part of the Sovereign people, suffer not yourselves to be deceived. The too famous National Convention of France, though obliged to admit the principle of the sovereignty of the people, because it was to this principle that it owed its existence, took good care to condemn popular insurrection, by inserting in the Declaration of Rights which heads the Constitution of 1795, that the sovereignty resides, not in a part, not even in the majority of the people, but in the entire body of the citizens; adding that no individual, that no partial union of citizens, can pretend to the sovereignty. But who will dare to say, that in this country the totality of citizens desires the overthrow of the Gov-

benefits of a local Legislature; that the Legislative Council would be improved in such a manner as to secure its co-operation with the representative branch of the Legislature, and its respect for the wants and wishes of the mass of the people; that so far from these just expectations having been realized, a number of persons have lately been called to sit in Council who, with scarce an exception, not only do not enjoy public confidence, but have rendered themselves in every respect unworthy thereof, and who by their conduct and public opinions have rendered themselves odious to the country.

“*Resolved*,—That this meeting declares that the late nominations to the Executive Council of this Province, are equally unworthy of public confidence with those to the Legislative Council; that they are the more scandalous, inasmuch as they continue pluralities in office, one of the abuses which Lord Gosford had himself denounced, both as Governor in Chief and Royal Commissioner, and as they confide to the same hands Legislative, Executive and Judiciary powers.

“*Resolved*,—That this meeting sees in these different nominations nothing else but the continuation of the old system of fraud and de-

ernment?" He winds up by the following powerful and pathetic appeal to his flock :

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"We conclude, dear brethren, by appealing to your noble and generous hearts. Did you ever seriously reflect on the horrors of a civil war? Did you ever represent to yourselves, your towns and your hamlets deluged with blood, the innocent and the guilty carried off by the same tide of calamity and woe? Did you ever reflect on what experience teaches, that, almost without exception, every popular revolution is a work of blood? Did you ever reflect that even the philosopher of Geneva, the author of the social contract, the great upholder of the Sovereignty of the people, says himself, that a revolution which cost only one drop of blood, would be too dearly bought? We leave these important reflections to your feelings of humanity, and to your sentiments as Christians."

All, however, was in vain ; in the heat and excitement of the times, it passed unheeded by the multitudes already too deeply involved to be turned from their purposes by arguments of this nature, reason-

ception, which has at length uprooted all feelings of confidence both in the metropolitan and colonial governments, and in the Legislative Council as at present constituted ; another proof of inveterate hostility to the repeated demands of the country ; an obstinate and tyrannical determination, on the part of Her Majesty's Government, to protect and perpetuate the abuses and grievances of which the people, already too patient, have complained."

"Resolved, That the divers abuses and grievances under which this colony has for a long series of years complained, have been so often detailed by the Representatives of the people, and admitted by Her Majesty's Government and the British Parliament, that it is now useless to recapitulate them here, inasmuch as they have been lately denounced by the people themselves in their respective county meetings, and on the remedial measures therefore proposed, on all and each of these the Six Counties insist anew.

"Resolved, That instead of honestly redressing the said grievances and abuses, as in duty bound, the Government and the two Houses of the Imperial Parliament have threatened and intend to annihilate the fundamental rights of this colony ; in order to force the people into a base and abject submission to the oppressions

Chap. able and salutary as undoubtedly they were. It is
 XXXVIII proper to observe here that the clergy, during these
 1837. agitations, kept aloof from them; and that, during
 the outbreak that followed, they were, with few
 exceptions, and these not influential, steadfast in
 their allegiance and loyalty to the British Sovereign.

which are prepared for them, recourse is had to the same system of coercion and terrorism which has already disgraced the system of British rule in Ireland:—Magistrates and Militia Officers, enjoying the confidence of their fellow citizens, are insolently deprived of Office, because they love their country too well to sanction an unconstitutional aggression, or permit her liberties to be violated with impunity; and as a climax to their misfortunes, the present Governor in Chief has recently introduced, in time of profound peace, a large body of armed troops into this Province, to destroy, by physical force, all constitutional resistance, and to complete, by desolation and death, the work of tyranny already determined upon and authorized beyond the seas.

"*Resolved*, That holding Lord Gosford guilty of an atrocious aggression against our liberties by the introduction of such armed force amongst us, and counting on the sympathy of our neighbours, the zealous co-operation of our brother Reformers of Upper Canada, and on Providence, for a favourable opportunity of emancipating ourselves from the oppressive system under which we suffer, we declare that, commiserating the unhappy lot of the soldiers whom our enemies desire to convert into the vile instruments of our slavery, and their own dishonor, the people of these counties will throw no obstacle in the way of the men belonging to the Regiments stationed in this District, should they desire to improve their condition by emigrating to the neighbouring Republic, especially as we have strong reasons to believe that a number of those soldiers are only waiting for an opportunity to get rid of their present anomalous and irksome profession.

"*Resolved*, That the meeting approves of the organization of the political association entitled "The Sons of Liberty," and recommends the young men of these counties to organize themselves in the same manner—to form, in their respective parishes, branch societies of "The Sons of Liberty," and to maintain an active correspondence and frequent communication with "the Sons of Liberty" in Montreal, and to adopt the same systematic organization, so as to be prepared to support each other with promptitude and effect, should circumstances require them to protect and defend their threatened liberties.

"*Resolved*, That the delegates named by the different parishes of the Five Counties are requested to meet anew at this place to-morrow, at two o'clock in the afternoon, to consider such propositions as may be submitted to them."—*Vindicator*.

were. It is during these that, during e, with few steadfast in Sovereign.

the same system need the system Officers, enjoy-mently deprived to sanction an to be violated es, the present e of profound nce, to destroy, to complete, by dy determined

of an atrocious of such armed our neighbours, of Upper Ca- nity of emanci- which we suffer, f the soldiers instruments of these counties onging to the ire to improve epublic, espe- mber of those et rid of their

ization of the "and recom- themselves in fishes, branch an active cor- as of Liberty" ization, so as le and effect, defend their

ent parishes his place to- ch proposi-

The death of the Hon. and Right Reverend C. S. Chap. Stewart, D. D. Lord Bishop of Quebec, who had vi-^{xxxviii} sited England on account of his health, occurred on the 10th July of the present year, in London, in the 63rd year of his age. This excellent Prelate was very sincerely regretted in the Canadas, being held in the highest esteem by persons of every class and persuasion throughout both Provinces. He was succeeded in the Bishopric by the Right Rev. G. T. Mountain, D. D., the Archdeacon of Quebec, under the title of Bishop of Montreal, the title of the Diocese being altered on the decease of Bishop Stewart, a short memoir of whom, taken from the *Quebec Mercury*, is subjoined, written, it is believed, by his successor, Doctor Mountain,* at the present time (January, 1887.

*"The late Lord Bishop of Quebec, Charles James Stewart, third son of the Earl of Galloway, in Scotland, was born in London, on the 13th of April, 1775. In 1795 he was elected a fellow of All Soul's College, in the University of Oxford. Having taken holy orders, he was presented in 1799 to the Rectory of Overton-Longville, County Hants. In 1807, having conceived a strong desire to go abroad as a Missionary, he was introduced by the Bishop of Lincoln, in whose diocese he was situated, to the then Bishop of Quebec, who happened at the time to be in England; and was in consequence appointed to the charge of St. Armand, in Missisquoi Bay. In 1819, the Bishop having provided for the appointment of a visiting Missionary, to afford the occasional ministrations of the Church to destitute settlements throughout the diocese, was desirous of confiding the task in the hands of Dr. Stewart, and he accordingly assumed it. In 1825, the infirmities of the Bishop inducing him to desire relief in his extensive charge, his Lordship's son, the Archdeacon of Quebec, (now Bishop of Montreal,) was sent home with powers to effect an arrangement for the division of the diocese, and the surrender, on the part of Bishop Mountain, of one-third of his income to Dr. Stewart, who was to have been consecrated Bishop of Upper Canada, and to have assisted, as need might be, in the Lower Province, during the life of Bishop Mountain. The decease of this venerable prelate took place while the Archdeacon was at home, and the intelligence was there received when the arrangement was on the very point of execution. The plan was then altered, and Dr. Stewart was designated to the whole charge. He was consecrated Bishop of Quebec, at Lambeth, on the 1st of January, 1826.

"The great increase of the Episcopal labours from the continual

Chap. 1853,) Lord Bishop of Quebec, the See of Montreal
 xxxviii having been recently sub-divided into two Bishoprics,
 1837 and the title of that of Quebec revived.

There were in the Canadas, at this time, but few troops. The 85th Regiment, under the command of the Hon. Lieut. Col. Dundas, which came up from Halifax in Her Majesty ships Vestal and Champion, in July, and landed at Quebec on the 13th of that month, was the only reinforcement the forces in the Canadas received during the summer. These the *Vindicator* had vain-gloriously boasted that the pa-

accession of Protestant population, caused him, after a few years, to feel very strongly, especially as his health was rapidly declining, the same want of assistance which had been experienced by his predecessor; and he determined to provide for it by precisely the same sacrifice of income. His endeavors to obtain the object resulted in the consecration of Archdeacon Mountain, in February, 1836, as Lord Bishop of Montreal, but without any division of the diocese—the new Bishop being simply appointed to assist Bishop Stewart, by commission from the latter, to such extent as might be required; but having powers also to administer the affairs of the diocese, in the event of his surviving that prelate, till a successor to the See of Quebec should be appointed, (which is the footing upon which matters now stand). No salary is attached to the See of Montreal, and no provision now exists for continuing to the person who may be appointed to the See of Quebec, the salary enjoyed by the late Bishop and his predecessor. It is satisfactory to reflect that in the hands of both these prelates it was a blessing to many; and that both were ready cheerfully to sacrifice a large portion of it, to provide more efficiently for the Episcopal services in the Church.

“The character of the late Bishop has already been noticed in the journals which have announced his decease, and his labours have been too fruitful and too extensive to require that they should be proclaimed. In every office which he filled, from that of a Missionary in the woods to that which placed him at the head of the Church Establishment in the Canadas, he was alike humble, charitable, laborious, devoted; full of ardent zeal for the glory of his heavenly master, and overflowing with benevolence to man. He was a shining example of the efficacy of the faith of the Gospel; and in the approaches of dissolution, it was that faith, and not any reliance upon himself or his own performances, which sustained and refreshed him.

“The present Earl of Galloway, at whose house the decease of his Lordship took place in London, is his nephew, and not, as has been stated by mistake, his brother.”

triot's would drive into the St. Lawrence, and despatch, with the greatest ease, whenever the time of contest might come; but when at length the time arrived, the senseless threat was not forgotten by those of whom the insurrectionary organ had made so light.

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Sir John Colborne, who, since his return to Canada from New York on his way to England, as previously stated, had fixed his head quarters at Quebec, left this City on the 20th July for William Henry, intending to pass the winter there with his family, in order, that if an emergency should arise he might be near the scene of action.

The Acts incorporating the Cities of Quebec and Montreal, passed in 1831, but reserved for the Royal pleasure, did not come into force until June in 1832, and which, limited in their duration to the 1st May, 1836, had not been renewed in the session of that year, being allowed to expire expressly, it is probable, with the view to increase the general disorganisation and disorders of the times, so that in the universal dissolution of municipal as well as political government, the minds of men might be the better prepared for the new order in the proposed revolution. The consequence accordingly was a total annihilation of the police in those cities, exceedingly alarming to the peaceable inhabitants, who could not, in safety, walk the streets after night-fall. Several very gross nocturnal atrocities having been committed, the citizens met, in both cities, and established in each, at their own expense, a watch and patrols to put an end to the acts of violence and apprehension of molestation, which, from the absence of municipal establishments of the kind, disquieted the inhabitants and rendered insecure their lives and property.

The following reflections descriptive of the political state of the Provinces are from Mr. Neilson, as extracted from his *Quebec Gazette* of the 3rd of November:—

Chap. "It is not surprising that there should be weak-
 xxxviii ness in a government against which a faction com-
 1837. manding a majority in the representative branch, has
 been permitted for several years to direct all its en-
 ergies, while the constitutional prerogatives of the
 Executive have been used to put power in the hands
 of those bent on its destruction. Have the magis-
 trates the means of doing their duty in the present
 state of the Province? Have not disaffection and
 intimidation got to such a head in some parts of the
 country, that no one dares to go before a magistrate
 to complain? Have the magistrates generally suffi-
 cient legal knowledge, independence and support to
 enable them to perform an onerous, disagreeable and
 hazardous duty? If they have, they are to blame.
 But why, in that case, is not a new commission is-
 sued, including only those who are known to be fully
 qualified and determined to do their duty according
 to law, with some one, at least, in each commission,
 who will give his whole time to the service for a
 reasonable and certain compensation; for it is im-
 possible that the necessary proceedings can be fol-
 lowed up by magistrates giving only an occasional
 attendance; they ought also to have the active as-
 sistance of the law officers of the Crown, when called
 upon, and every case of a violation of the law, being
 an actual breach of the peace, or having a manifest
 tendency to create a breach of the peace, ought to
 be followed up, the parties arrested and brought to
 trial without regard to consequences. If the officers
 of justice are resisted, then the course is plain. It
 is impossible to *suppose* that the courts and juries
 will not do their duty. Any person entrusted with
 authority, not doing his duty, because he permits
 himself to *suppose* others will not do theirs, is guilty
 of a sort of treason to the common weal, which is
 deserving of universal reprobation, and the severest
 punishment which can be inflicted by the public au-
 thority.

"In the present state of affairs in this Province, Chap. we confess we feel disposed to make disadvantageous ^{xxxviii} comparisons between a monarchical and a republican ^{1837.} government. Had General Washington shewn as much indecision as is shown in this Province, when the whiskey insurrection was organized in Pennsylvania, or Thomas Jefferson when the Vice-President Burr was collecting forces on the Ohio, or General Jackson, when an independent State pretended to nullify the laws of the general government, the United States would have been deluged with blood, their free constitution of government destroyed by illegal violence, and the people of the United States been reduced to the condition of the South American republics."

(Translation.)

JOHN JAMES LARTIGUE, FIRST (R. C.) BISHOP OF MONTREAL, &c.
TO THE CLERGY, AND ALL THE FAITHFUL OF OUR DIOCESE,
HEALTH AND BENEDICTION.

For a length of time back, dear brethren, we hear of nothing but agitation, and even of revolt, and this in a country which has hitherto been distinguished by its loyalty, its spirit of peace, its love for the religion of its fathers. On every side we behold brothers rise up against their brothers, friends against their friends, citizens against their fellow-citizens; and discord from one extremity of this diocese to the other, seems to have burst asunder the bonds of charity which united the members of the same body, the children of the same church, the children of Catholicity, which is a religion of unity. In circumstances of such moment, the only position that we can take, is not merely to stand to an *opinion* (which nevertheless, as citizens, we and our worthy fellow-labourers in the Holy Ministry should have, equally with others, the right of emitting,) but to act up to the *obligation* which the Apostle of the Gentiles imposes upon us by saying—*Woe is unto me if I speak not the Gospel; for a necessity lyeth upon me! Necessitas cum mihi incumbit.* 1. Cor. ix., 16.

No, dear brethren, not one of you is ignorant of these truths; that the duties of the different members of society form as essentially a part of Christian morality, as the duties of the different members of a family; that this divine code of morality is a portion of the sacred deposit of Faith, which has been transmitted to us by the

Chap. pure channel of Scripture and Tradition; and that we, as successors of the Apostles, are bound to transmit it to you with equal fidelity.

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There is, moreover, nothing that can render us the object of suspicion. In our veins, as in yours, flows Canadian blood: we have given frequent proofs of the love we have for our dear and common country; and, as the Apostle, so can we take God to witness, how we long after you all in the bowels of Jesus Christ. Philip i. v. 8 Besides, you know that we never received any thing from the Civil Government,—as we expect from it nothing but that justice which is due to every British subject. And we bear testimony to the truth, when we solemnly protest, that in speaking to you on the present occasion, we speak of ourselves, impelled by no exterior influence, but solely actuated by motives of conscience. It is not, then, our intention to give an opinion, as a citizen, on this purely political question, among the different branches of government, which is in the right, or which is in the wrong; (this is one of those things which God has delivered to the consideration of men: *mundum tradidit disputationi eorum*;) but the moral question, namely, what is the duty of a Catholic towards the civil power established and constituted in each state? This religious question falling within our jurisdiction and competency, it is undoubtedly the province of your Bishop to give you all necessary instruction on this subject, and your province is to listen to him. For, as the celebrated Lamennais says, 'Bishops being commissioned by the Holy Ghost to govern the church of God, under the direction of the Sovereign Pontiff, we protest that we believe that in every thing which appertains to the spiritual administration of each diocese, clergy and laity ought, faithfully, to obey the orders of the Bishop instituted by the Pope.'

"This then, is what the sacred Scriptures teach you on the above question. 'Let every soul,' says St. Paul—Rom. xiii, 'be subject to the higher powers, for there is no power but from God, and those that are, are ordained of God. Therefore he that resisteth the power resisteth the ordinance of God. And they that resist, purchase to themselves damnation. The ruler is the minister of God to them for good. He beareth not the sword in vain. For he is the minister of God, an avenger to execute wrath upon him that doeth evil, wherefore be subject of necessity, not only for wrath, but also for conscience sake.'—Rom. c. i, v. 1, 2, 3, 4, 5. 'Be ye subject, therefore,' adds St. Peter, the chief of the Apostles, 'to every human creature for God's sake; whether it be to the King, as excelling; or to the governors as sent by Him for the punishment of evil-doers, and for the praise of the good. For so is the will of God. As free and not as making liberty of malice, but as the servants of God, honour the king. Servants, be subject to your masters with all fear: not only to the good and gentle, but also to the froward. For this is thanks worthy, if for conscience towards God, a man endure sorrows, suffering wrongfully.'—1st. St. Peter, c. ii, v. 13, 14, 15, 16, 17, 18, 19."

"Such, dear brethren, are the oracles of the Holy Ghost, as we find them in the sacred volume; such the doctrine of Jesus Christ, as the Apostles Peter and Paul had learned it from the mouth of their Divine Master. But clear as these words may be in themselves, a Christian does not interpret the word of God by his own private judgment; he knows that it is a fundamental point of his faith, that the sacred Scriptures, as St. Peter assures us, 2d. Ep. 1. 20, are not to be understood according to each one's private interpretation; and that it belongs to our mother the Catholic Church alone to expound them to us, according to the decision of Jesus Christ in the Gospel; 'If he will not hear the Church, let him be to thee as the heathen and the publican.'—St. Mat. xiii., 17. Now, his present Holiness, Gregory XVI, has expounded from his pontifical chair, these passages of Scripture. He has interpreted the passages which we have cited from the sacred volume, according to the doctrine of the Holy Fathers, and the perpetual tradition of the Church, from its establishment down to the present day; he has dictated their true meaning to the Christian world, in his Encyclical letter, addressed in the beginning of his Pontificate, to the Bishops in every part of the world. Not a solitary Bishop since that period has raised his voice against the doctrine of that letter, so that it has received at least the tacit consent of the great body of Pastors, and consequently, it must be looked upon as an authoritative decision in point of doctrine.

"As we have learned," says the Holy Father, (it is not our voice that you are now going to hear, but that of the vicar of Jesus Christ,)—"as we have learned that writings disseminated among the people proclaim doctrines which shake the fidelity and submission due to Princes, and cause the standard of revolt to be raised on all sides, it becomes necessary to us every precaution to prevent deluded multitudes from being drawn out of the line of duty.' Let all bear in mind, according to the advice of the Apostle 'that there is no power but from God; and therefore he that resisteth the power, resisteth the ordinance of God: and they that resist purchase to themselves damnation. Both human and divine laws rise up in condemnation of those, who by schemes of sedition and revolt endeavor to shake allegiance to Princes, and hurl them from the throne. It was for this reason, and in order to avoid sullyng themselves with such a crime, that the first Christians, amidst the fury of persecution, remained faithful to the Emperors, and sought, as it is certain they did, the interests of the empire. Of this they gave abundant proofs, not only by faithfully executing every order that was not contrary to religion, but by shedding their blood on the field of battle. The Christian soldiers, says St. Austin, (in Psalm 124, No. 7) served a Heathen Empire: but when there was question of the cause of Jesus Christ, they acknowledged only Him who reigns in Heaven. They distinguished the eternal from their temporal Lord: and yet for the sake of their eternal Lord, they were submissive to their temporal one. This it was that the invincible Martyr, St. Mauritius, commander of the Theban Legion, had

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before his eyes, when, as St. Encherius relates, he answered the Emperor: 'We are your soldiers, Prince, but we are at the same time the servants of God; and now, even the danger of losing our lives, with which we are threatened, does not induce us to revolt. We have our arms in our hands, and we resist not; because we prefer to suffer death rather than to inflict it.' This fidelity of the Christians of old acquires new lustre, if we remark with Tertullian, that they were deficient neither in number nor in power, had they chosen to declare themselves enemies to the state.

"These splendid examples of inviolable submission to Princes, which were the necessary consequences of the precepts of the Christian religion, condemn the error of those who, infatuated with the love of unbridled liberty, direct all their efforts against the rights of authority, 'whilst upon the people they entail only slavery under the mask of liberty. Such was the tendency of the evil designs of the Waldenses, of the Begnards, of the Wickliffites, and others against whom the anathemas of the Apostolical See have been so frequently directed; and they who walk in their footsteps, have no other object in view but to boast with Luther, that they are free from all control of persons and of things.'

"'It is on your part an obligation of duty,' adds the same Pontiff, in his brief of July, 1832, to the Bishops of Poland, 'it is on your part an obligation of duty to watch with the utmost care, lest evil minded men, propagators of false doctrine, spread among your flocks the contagion of demoralising theories. These men, with zeal for the public good in their mouths, impose upon the credulity of simple men, who blindly become their tools in disturbing the public peace and overthrowing the established order of things. For the good, and for the honor of the Disciples of Jesus Christ, it is fitting that their false doctrines should be exposed: the falseness of their principles must be shewn by the immutable word of the Sacred Scriptures, and by the indisputable monuments of the Tradition of the Church.

"Such is the doctrine of the supreme Pastor of souls, of the venerable Pontiff now sitting on the eternal chair, in conjunction with the documents of the Church in all ages and in all places. You must now feel, dear brethren, that we could not, without violating our duty, and endangering our personal salvation neglect the direction of your consciences in circumstances so critical. For, as a Catholic cannot pretend to choose what point of faith he will admit, and what point he will reject; and as St. James says, (Ep. c. 2. v. 10.) "he who offends in one point, is become guilty of all," the present question amounts to nothing less than this—whether you will choose to maintain or whether you will choose to abandon the laws of your religion. Should then any one wish to engage you in a revolt against the established Government, under the pretext that you form a part of the *Sovereign People*, suffer not yourselves to be seduced. The too famous National convention of France, though obliged to admit the principle of the Sovereignty of the people, because it was to this prin-

ciple that it owed its existence, took good care to condemn popular insurrections, by inserting in the *Declaration of Rights* which heads the Constitution of 1795, that the Sovereignty resides, not in a part, not even in the majority of the people, but in the entire body of the citizens: adding, *that no individual, that no partial union of citizens can pretend to the Sovereignty*. But who will dare to say, that in this country the totality of citizens desires the overthrow of the Government?

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"We conclude, dear brethren, by appealing to your noble and generous hearts. Did you ever seriously reflect on the horrors of a civil war? Did you ever represent to yourselves, your towns and your hamlets deluged with blood, the innocent and the guilty carried off by the same tide of calamity and woe? Did you ever reflect on what experience teaches, that almost without exception, every popular revolution is a work of blood? Did you ever reflect that even the Philosopher of Geneva, the author of the *social contract*, the great upholder of the sovereignty of the people, says himself, that a revolution which cost only one drop of blood, would be too dearly bought? We leave these important reflections to your feelings of humanity, and to your sentiments as Christians.

"The Grace of our Lord Jesus Christ, and the charity of God, and the communion of the Holy Ghost be with you all."—2 Cor. xiii., 13.

"This charge shall be read and published at the Parochial or principal Mass of each Church, in chapter by each community of our Diocese, on the first Sunday or Festival after its reception.

"Given at Montreal the 24th Oct. 1837.

"JOHN JAMES LARTIGUE, Bishop of Montreal."

(Communicated to the *Quebec Gazette*.)

RECENT APPOINTMENTS TO THE EXECUTIVE COUNCIL, BY HIS EXCELLENCY THE EARL OF GOSFORD.

EXECUTIVE COUNCIL.

Louis Panet, Esq., French Canadian.

George Pemberton, Esq., British Merchant.

G. A. Quesnel, Esq., an Advocate, and until lately a Member of the Assembly.

William Sheppard, Esq., British.

Hon. Pierre D. Debartzch, a Member of the Legislative Council—a supporter of the 92 Resolutions—late a proprietor of a Journal called "*L'Echo du Pays*," edited at village Debartzch, which breathed the most deadly hostility towards the British. This gentleman has not yet disavowed his participation in the sentiments put forth, from day to day by *L'Echo*. In the person of Mr.

Chap. Debartzch, it cannot be said, that the Executive and Legislative
xxxviii functions are kept separate.*

EXECUTIVE COUNCIL AS NOW COMPOSED.

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Hon. John Stewart, Scotch birth.
 Hon. Dominique Mondelét, French Canadian.
 Hon. Huges Heney, French Canadian.
 Hon. Louis Panet, French Canadian.
 Hon. George Pemberton, Irish birth.
 Hon. F. A. Quesnel, French Canadian.
 Hon. William Sheppard, English birth.
 Hon. P. D. Debartzch, French Canadian.
 Five French Canadians.
 Three British and Irish blood.

RECENT APPOINTMENTS TO THE LEGISLATIVE COUNCIL, BY EARL GOSFORD.

John Neilson, Esq., Scotch birth.
 Hertel de Rouville, Esq., French Canadian, for sometime a
 member of the Assembly opposed to the Government.
 J. D. Lacroix, Esq., French Canadian.
 J. Pangman, Esq., French Canadian.
 E. R. Caron, Esq., French Canadian, late member of the Assem-
 bly, voting for the 92 resolutions,
 J. M. Fraser, Esq., Scotch extraction.
 A. M. de Salaberry Esq., French Canadian.
 Six French Canadians. Two British blood.

NOTE.—Sir Francis Bond Head, the Lieutenant Governor of
 Upper Canada, maintains public tranquillity with one company of
 the Queen's troops. In Lower Canada common order cannot be
 maintained with five regiments, and this because the whole machine
 of government is paralyzed. The anarchists are permitted to
 march and exercise for revolution, under the eyes of the soldiery.
 EQUAL RIGHTS.

Quebec, October 25, 1837.

The excerpts from the public newspapers above, as well as in
 the preceding and following Chapter, are rather to exhibit the
 spirit of the times than the matters reported, several of them
 being in themselves scarcely worth notice, were it not on that
 account.

ERRATUM.—Page 1, line 10, for "St. Denis," read St Ours.

* "The *Populaire* of the 18th October, states, as it asserts, on
 good authority, that Mr. Debartzch was not the author of certain
 blood-thirsty and revolutionary writings which appeared some years
 ago in the *Écho du Pays*; that Mr. Debartzch had seen the writing
 before it was published, and objected to its insertion in the paper;
 that it was not written by a French Canadian; and that it was in
 consequence of Mr. Debartzch's withdrawing his support from the
Écho, that it was discontinued." (*Quebec Gazette*, 20th Oct. 1837.)

CHAPTER XXXIX.

Indications of an outbreak in the District of Montreal—Collision in that City between the "*filles de la liberte*" and constitutionalists—Warrants issued in Quebec—Magistrates dismissed—Further manifestations of insurrection—Sir Francis B. Head—Loyal disposition of Upper Canada and of the Lower Provinces—Mr. Debartzch—Warrants to arrest Mr. Papineau and others—His evasion—Arrest and rescue of Messrs. Davignon and Demaray—Gathering of patriots at St. Charles and St. Denis—Magistrates of French origin at Montreal express themselves—General Order—Truly patriotic conduct of British inhabitants in Quebec—Insurrection in the District of Montreal—Military movements in consequence—The affairs at St. Denis and St. Charles—Mr. Papineau—Assassination of Lieutenant Weir at St. Denis—Murder of Chartrand at l'Acadie—Col. Gore, with a military force revisits St. Denis—Sir John Colborne proceeds in person from Montreal, at the head of a considerable force to St. Eustache—Affair at that village, St. Benoit, &c.—Rendezvous of patriots at Swanton, on Lake Champlain—They make an incursion—Are defeated and several of them captured by the Missisquoi volunteers—Proclamation by the Governor (Lord Gosford)—Martial law in force in the District of Montreal—Capture of Dr. Wolfred Nelson—The Banks send their specie to the citadel of Quebec—Reinforcements arrive at Quebec from England, overland from Halifax—Loyal Addresses—Constitutional associations of Montreal and Quebec—Interesting memoranda from Messrs. Wolfred Nelson and Thomas S. Brown respectively, relating to the affairs of St. Denis and St. Charles, in which they took part.—Misunderstanding between Dr. W. Nelson and Mr. Papineau.—Remarks on Mr. P.

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We are now entering upon the darkest passage in the annals of the country, one of error and of mourning to Canada, leaving a blot, though, let us hope, not indelible, on the escutcheon of a moral, a brave, and hitherto a truly loyal people; the indubitable proofs of whose preference of the sovereignty of Great Britain, and permanent connexion of their native country with her, to that of their republican neighbours, indeed, we may say, natural friends, are, to their honor, imperishably established, be their destiny as it may.

As the autumn advanced, and the season of navigation drew to its close, strong indications of an early

Chap. outbreak in the Montreal district became daily more
 xxxix and more apparent. There were already in various
 1837. parishes, north and south of Montreal, disturbances
 of a serious character, several of the British inhabitants being obliged to leave their homes, and with their families fly for refuge to the city. A number of magistrates, militia officers, and small cause Commissioners, in the rural parishes, intimidated by the hourly threats of the disaffected, by whom they were surrounded, sent in to the Government their resignations, as they no longer could exercise, nor hold their offices with safety to themselves, while organization and training in arms were openly carried on, avowedly in anticipation of an approaching and speedy contest with the Government, and with as much zeal as if in defence of the country against an invading enemy. In fact, the magistracy throughout the Province, and in the upper districts particularly, were overawed and powerless, and from the want of adequate support, dared not, in the general spirit of the inhabitants, attempt to do their duty and carry into operation the laws towards arresting the disorders that everywhere manifested themselves. The few extracts below, from the Montreal papers of the day, will give the reader some faint notion of the state of that district at the present period:—

“It was stated,” says the *Montreal Gazette*, “in the *Herald* of Saturday last, that in consequence of the outrages threatened to be committed on Mr. Chaffers, a magistrate of St. Cesaire, who had been menaced with being pulled down from the bench, he directed it to be made generally known, that after what had passed, he was determined not to expose the Royal authority to contempt, by pronouncing judgments which no one dared to execute, in consequence of the bailiffs having been threatened with mob law if they did not resign their office. Upon this determination having been communicated to the principal inhabit-

ants, they resolved, that reposing the highest confidence in the honor and character of Mr. Chaffers, they hoped he would not close the courts, and pledged themselves that the parish would stand by him in the execution of his office.

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"We now learn from the same authority, that a portion of the intimidators, stronger than the friends of Mr. Chaffers, had resolved, that no courts should be held or warrants executed, of which resolution a notification was communicated to Mr. Chaffers, who declared that the local courts were consequently suspended until it should please Her Majesty's Government to re-open them. One of the party had then the audacity to demand Mr. Chaffers' commission, a request with which, of course, he indignantly refused to comply."

"MILITIA GENERAL ORDER.

"Whereas it has become notorious that many well disposed and loyal officers holding commissions from the Crown, in the militia of this Province, have lately been constrained, by means of unlawful acts and a system of intimidation, to send in their resignation to the Governor in Chief, and as no officer can be absolved from the duties of his station unless formally relieved therefrom by competent authority, His Excellency is hereby pleased to order that all resignations thus illegally extorted, shall be considered as null and void, unless officially accepted, and the officers so constrained to tender their commissions as still holding the same: His Excellency, relying on their fidelity and attachment to their Queen for the faithful discharge of the duties appertaining to their several ranks, and for aiding in the preservation of the public tranquillity, and enforcing obedience to the laws.

"Office of the Adjut. Gen. of Militia,
"Quebec, 16th Nov., 1832."

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(Translated from the *Populaire* of the 3rd Nov.)

" ATTACK ON DR. QUESNEL.

" We gave in our last number a sketch of the excess that the worthless agitator Côte was perpetrating in the County of L'Acadie, in company with a person named Gagnon, whom he had seduced, and some persons of no note whom he has collected. The attack committed on Dr. Quesnel is one of the most infamous which has been perpetrated since the affair of Madame St. Jacques. It appears that on his return from the meeting of the Convention at St. Charles, this Canadian '*Carrier*' went to the house of Dr. Quesnel with all his followers. The latter received them with his usual politeness, and even offered them refreshment ; on this Côte, as the spokesman of the party, told him that was not the object of their visit, but that they had come to desire him to throw up his commission and send in his resignation to His Excellency. The Doctor replied that it was a step which required some consideration and reflection. Hereupon Côte said that there was no room for any tergiversation, and that he, Mr. Quesnel, must decide to do so immediately, or expect to have his house attacked. Mr. Quesnel, though surprised at such excessive impudence, desired these singularly unceremonious advisers to quit his house, which they did. In the course of Friday, Dr. Quesnel was called upon by several individuals, who told him that he had better comply, as if he did not, something serious would occur. The Doctor, however, did not accede to their injunctions, and determined not to be dictated to. At night these ruffians, instigated by Côte, surrounded the house, forced open a door, and broke the window sashes, putting the family of Dr. Quesnel in the most pitiable state of alarm. The Doctor, overcome by the entreaties of his wife and the tears of his children, and seeing that he could expect no help from his

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neighbours, at length opened a window and promised to satisfy his besiegers, who thereupon retired, declaring loudly that if the letter were not written on the following morning they would proceed to further extremities, and they accordingly, on the following morning, enquired at the Post Office, and finding no letter from Dr. Quesnel addressed to the Governor, they repaired with the utmost audacity to his house, from which he had not yet been able to remove his family to a place of safety. A fresh scene of violence then took place, and Dr. Quesnel, overpowered by the alarms of his wife and family, determined to write to the Governor. He informed His Excellency that the situation in which he found himself *compelled* him to resign his commission as magistrate. He was then compelled to give the letter unsealed to the band of assassins by whom he was surrounded, who themselves put it into the Post Office.

“Freed from these dangerous visitors, the Doctor, having placed his family in safety, set out for Montreal to claim the protection of the laws; he waited on the Solicitor General, and laid the circumstances before him, and required that justice should be rendered to him, adding, that being a magistrate he ought to be supported in that respectable character as well as protected in his person, and further, that if he could find no law officer disposed to do his duty, he should address himself personally to the Governor in Chief. It is said that a warrant has been issued against Côte, and it is to be hoped that this man will soon be taught that there is yet in existence a Government to protect the lives and properties of the citizens.

“We have heard of several other houses being attacked, and it has been by these means that the resignations of the sixty-six officers of militia and magistrates in the County of L’Acadie, boasted of by the *Minerve*, have been obtained.”

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Chap. A fracas occurred at Montreal, on the 6th Novem-
 xxxix ber, between the young men styling themselves "the
 1837. Sons of Liberty," (*les fils de la liberté*), and the Con-
 stitutionalists, in which the former, headed by Mr.
 Thomas Storrow Brown, by birth, it is believed, a
 citizen of the United States, then doing business as
 a dealer in hardware in that city, and who, having
 taken to politics, had espoused the patriotic cause, as
 he deemed it. The occurrences of this day, the first
 of open violence between the two parties, are vari-
 ously told by the different prints of the city, and it
 being but just to give them as found therein, in-
 cluding the statement of the *Vindicator*, as the organ
 of the patriots, they are reproduced below.

"MONTREAL, (*Herald*,) Nov. 6.

"TOTAL ROUTE OF THE 'SONS OF LIBERTY.'

"During the whole of Saturday last considerable excitement existed in town, owing to a report having been generally circulated that the 'Sons of Liberty' intended to parade the streets on Monday, and that there would likely be a collision between them and the members of the Doric Club. This excitement was increased on Sunday, in consequence of the magistrates having issued a proclamation, requesting all persons to refrain from joining in any procession, or assisting in any way to break the peace. Although it was not known at what hour and place the 'Sons of Liberty' would meet, a placard was posted on the walls on Monday morning, calling on the different ward associations to assemble at half-past twelve o'clock 'to crush rebellion in the bud.' Still there were no signs of the opposite party appearing, and it was generally believed that they had abandoned their absurd attempt.

"About two o'clock they began to muster in the yard of Bonacina's Tavern, in front of the American Presbyterian Church, Great St. James Street. The

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muster attracted the attention of some Constitu-
tionalists, who remained to look on, when all at once
the party inside the yard, about 250 in number,
rushed out and made an indiscriminate attack with
sticks and stones on those outside. Two pistols were
also fired off, and a ball from one of them lodged in
the sleeve of Mr. Whitelaw, carpenter. A gentle-
man immediately went up to Mr. T. S. Brown (who
was taking a very active part in the affair), and said
he would hold him responsible for the firing, on
which Mr. B. raised a stick to strike him, when the
threatened blow was warded off, and Mr. B. knocked
down by a Doric. Mr. Hoofstetter, who went up to
separate the combatants, and to protect Mr. Brown,
was severely handled by the 'Sons of Liberty,' and
had it not been for the interference of Mr. J. G.
Gundlack, Mr. Brown might have suffered more
severely. As it is, his wounds are reported to us as
being severe, though not dangerous. The rebels
then chased their few opponents along St. James Street,
breaking the windows of Dr. Robertson, and other
inhabitants in that street, but the Doric Club and
others, reinforcing the pursued, turned the tables on
the enemy, who fled *pell mell* up the main street of
the St. Lawrence suburb, where they were pur-
sued and conquered, after a short fight, at the corner
of Dorchester Street. The Loyalists then marched
through the principal portion of the town and suburbs
seeking the 'Sons of Liberty,' but in vain—they
seemed to have evaporated like ghosts into thin air.
On passing a house in Dorchester Street, opposite the
residence of Mr. E. Idler, it was stated that the pa-
triotists were in the habit of drilling there, and it was
thereupon resolved that it should be examined, when
a seven barrelled, a double barrelled, and a single
barrelled, in all three guns, a sword, and the banner
of the 'Sons of Liberty,' were found and delivered
over to the authorities. Previous to this, while the

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Chap. crowd was passing Joshua Bell's house in Notre
 xxxix Dame Street, some marks of disapprobation and some
 1837. missiles thrown against it testified the opinion they
 entertained of the turncoat, when he opened the
 window and presented a gun, which snapped twice.
 Early in the afternoon the Riot Act was read and
 the Royal Regiment ordered out to parade the streets,
 supported by the Artillery, neither of whom, however,
 were required.

"About six o'clock the Loyalists marched up Bon-
 secours Street, and it was with great difficulty that
 they were restrained from attacking Mr. Papineau's
 house. The *Vindicator* office, however, fared differ-
 ently—the types, paper, and everything, having been
 thrown into the street. These attacks on persons
 and property are to be regretted; but they are, to a
 certain extent, the result of every outburst of popular
 indignation.

"The Royal Regiment was repeatedly and vehe-
 mently cheered by the Loyalists.

"We learn that three magistrates, with troops
 under their command, were stationed last night at
 each of the following places: Stellers, Main Street,
 St. Lawrence suburbs; Boyd's, Place d'Armes, and
 Russell's, Quebec suburb, besides an additional force
 at the main guard, in case of any disturbance during
 the night."

Montreal, (*Gazette*,) Nov. 7.

"We yesterday witnessed in the streets of this
 city the first collision that has taken place in this
 Province between British subjects of English and
 French origin, on the subject of those political
 opinions which have so long estranged them from one
 another, as parties contending for different schemes
 of government. On Saturday, we heard it stated in
 various parts of the town, that on Monday it was
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the 'Sons of Liberty,' to meet at the Place d'Armes, and there raise the cap and plant the tree of Liberty. These reports were partly confirmed on Sunday morning, when a proclamation by the magistrates appeared, posted on various parts of the city. The document stated, that depositions had been lodged before the magistrates, that numerous bodies of men, assuming distinctive badges and denominations, and influenced by adverse political opinions, intended on Monday to parade the streets of the city, from which processions, under the present excited state of public feeling, there was reason to apprehend that riots and tumults might ensue. All parties were therefore called upon to refrain from joining, or forming part of such processions, which were only calculated to disturb the public peace, and endanger the persons and property of Her Majesty's subjects. This proclamation was followed on Monday morning by a placard posted on the walls, calling on the different loyal and constitutional wards to meet at the Place d'Armes, at twelve o'clock, to assist to 'crush rebellion in the bud!' The consequence was that throughout the whole of the forenoon of yesterday, the streets presented a very serious and portentous aspect. No one could tell what was to happen, or, indeed, whether any preparations had been made to justify the expectations of the magistrates and the other well-disposed inhabitants of the city. At various corners of the streets, different parties met together, anxiously inquiring and conversing as to what might be the result of the day. About two o'clock, however, it was discovered that a considerable number of the 'Sons of Liberty,' had assembled together in a large yard facing Great St. James Street.

[Here follows an extract from the account copied from the *Herald*, as above.]

"We were present when they returned down St. Francois Xavier Street and passed into Notre Dame

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Chap. Street, and can safely and positively declare, that a
 xxxix band of from two to three hundred of the 'Sons of
 1837. Liberty,' if so they could be called, were only resisted by about a dozen Constitutionals.

"When the mob entered Notre Dame Street from St. Francois Xavier Street, showers of stones were flying in every direction like hail; and one or two inoffensive individuals having entered the store of Mr. Bradbury, the windows and door were smashed to pieces, and several persons thrown far into the interior of the premises. The mob then proceeded along Notre Dame Street, turning back into Great St. James Street, where they rallied in additional numbers. By this time the brave Doric Club mustered; and we resume the account contained in the *Herald*, of what afterwards took place, as above.

"We can add, that, in the present instance, the 'Sons of Liberty' were the aggressors in this, as well as in every other respect; and when the lion awoke, they could not expect that either themselves or their abettors could altogether escape without some reprisals being made. We congratulate the inhabitants of the city that they did not extend to greater lengths; but they fell into good hands, for nothing could be more admirable and praiseworthy than the cool and calm demeanour of the Constitutionals during the whole affair.

"The Royal Regiment was enthusiastically received by the Constitutionals, and repeatedly cheered, as they marched along the streets in the discharge of their unpleasant duties. We are informed, that the arrangements made by Colonel Maitland were most judicious. Magistrates, with troops under their command, were stationed during the night at Steller's, Main street, Saint Lawrence suburbs; Boyd's, Place d'Armes; and Russell's, Quebec suburbs. The main guard was reinforced; and patrols paraded the streets at intervals during the night. Such, we must

add, are the dire effects of conciliation and mis-
government.”

(From *L'Ami du Peuple*.)

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“THE FRUITS OF THE MENACES OF THE PATRIOTS.

“We have for some time just said, that the warlike demonstrations of the Children of Liberty would produce bitter fruit, and lead to some dangerous collision between the citizens of this city; we have, unhappily, prophesied but too truly. On Monday, the ‘Sons of Liberty’ assembled in the house of Mr. E. E. Rodier, occupied by a person named Vigneau; they were to the number of five or six hundred. Their usual exhorters made inflammatory speeches, exciting their auditory to revolt, and to all sorts of outrages;—excited by these discourses and by whiskey, on leaving the meeting they rushed upon some fifty Constitutionalists, who had been drawn into the neighbourhood of their meeting by curiosity, and taking advantage of their small number and of the surprise they were under, they ill treated them and pursued them as far as the Place d’Armes, dealing blows of cudgels and volleys of stones. Several had swords and pistols, and some shots were fired on the Constitutionalists, by the patriots, as they sallied from the court yard in which they had their rendezvous. Flushed with this easy and momentary advantage, they attacked the house of Dr. Robertson, and broke his windows with stones. But their triumph was of short duration; the Constitutionalists soon rallied in sufficient numbers to face the enemy, and from that moment it became impossible to find the army of Papineau, which appeared as if it had been evaporated by enchantment. The Constitutionalists then, to the number of four or five hundred, paraded the city and suburbs without meeting with any opposition.

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Chap. "Notwithstanding the numerous extravagances of
 xxxix Dr. O'Callaghan and his friends, nothing can justify
 1837. such conduct, and it is to be desired that the authors
 may be known and punished."

(From a Postscript to the *Minerve*.)

"We have stopped the press in order to give our country readers some details of the scene of yesterday evening. As we stated in our article of yesterday, the 'Sons of Liberty' had quietly met together in a court yard in their usual monthly meeting, when in accordance with the placards, to which we have before alluded, the Constitutionalists assembled in Great St. James Street. The yard in which the 'Sons of Liberty' held their meeting has its entrance on that street. When the Tories were in great numbers they began throwing stones into the yard, and knocking at the door, applying to the *Fils de la Liberté* all sorts of epithets, especially branding them as cowards, &c.

"As soon as their business was ended, the 'Sons of Liberty' sallied from the court in close column, and were immediately assailed by a shower of stones. A rude encounter ensued, and the 'Sons of Liberty' repulsed the assailants at all points, driving them as far as St. Lawrence Street. When, thinking that everything was over, they retired every one to his own home.

"The Constitutionalists, seeing that they had no longer any enemy to contend with, rallied between the hours of five and six and commenced an attack upon property; all the venetians of the house of the Hon. Mr. Papineau were broken, as well as of several other houses, and the printing office of the *Vindicator* was almost entirely destroyed. Mr. Perrault had prudently retired from the house with his family; the assailants broke the iron doors and forced their way into the printing office, which they overturned from top to bottom, breaking everything that fell into

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"We have not yet been able to ascertain the number of wounded, nor do we believe that any life was lost on the field of battle, though many are dangerously wounded.

"We will vouch for this—that *if* the 'Sons of Liberty' had not been provoked, no tumult would have been occasioned by their meeting; express orders had been given by their chiefs to respect persons and property. Throughout they behaved themselves like heroes, and repulsed the attack in a manner which does them honor, since on their part no depredation was committed."

The *Morning Courier* concludes its account of the riot of the *Fils de la Liberté* with the following remarks:—

"In regard to the proceedings of the day, and especially the destruction of property to which it led, we can only express our regret that they should have taken place. Where the fault lies, however, is clear enough. The braggarts of the *grand* meeting in Bonacina's yard were the first aggressors, and the consequences of their aggression were less serious after all than they may be said to have deserved. The screwed up courage of their attack would doubtless have brought upon them a far heavier reckoning, had not the downright poltroonery of their retreat enabled most of them personally to escape it. The attack upon a printing office we regret particularly, because it may so easily be made a means of strengthening the hands of the party attacked. The party, however, that has appealed to, and indeed been the first to use, violence, has no real right to complain of the *first* return of their own coin that is made them.

"We hope that the proceedings of the day will at once make the '*fils de la liberté*' more chary of their

Chap. promises, and our own party more careful of their
 XXXIX organization. Had the Constitutionalists been or-
 1937. ganized as they ought, an assailing body of mobocrats,
 like those of Monday, would never have had the
 upper hand even for the length of a single street, or
 for the space of one ten minutes, nor would the sub-
 sequent progress of a body of our own friends have
 laid them open to the charge of having themselves
 played the rioter, even by way of retaliation.

"The promptitude of the magistrates was highly
 praiseworthy. We hope they will continue in well-
 doing; and while their hand is in, we would suggest
 to them, now that a beginning is made here, to stop
 at no half measure, but to suppress at once, with a
 bold hand, all and sundry the illegal meetings that
 may hereafter be attempted within their jurisdiction.
 Should the '*filz de la liberté*' undertake a drill, or
 anything of that kind on a Sunday, they must be
 sent about their business. There must be no back-
 ward movement. Shrinking can but make matters
 worse. Legally or illegally, any future drill of these
 gentry is now morally sure to be cut short. A fear-
 ful responsibility will rest on the magistrates, should
 their remissness leave the task to any others than
 themselves.

"Since writing the above account, we have heard
 from good authority, that the magistrates had ob-
 tained assurances, some time previous to the hour of
 meeting, from the officers of the '*filz de la liberté*,'
 and also from the Doric Club, that no attempt should
 be made to parade the streets on either side. The
 Dorics were as good as their word. The other gentry
 first paraded the streets in small bodies to the meet-
 ing, and then raced through one street, after it. The
 apparent remissness of the Constitutionalists at the
 beginning of the affair, on which we have heard some
 parties comment, is thus honorably accounted for :

"The Royal Montreal Cavalry were out last night

under the command of Mr. David, as a patrol for the city and suburbs. We learn that they turned out under the sanction and at the request of the civil authorities.

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1887.

“A pretty strong body of the independent mechanics of Griffintown patrolled the streets for some time last night, pretty well prepared for all emergencies. They could find nothing to do, however.

“We have received a private communication from Toronto, dated the 31st ultimo, from which we learn that, on that day the greater part of the troops in garrison at that place left for Kingston in the “Cobourg,” on their way to this city. The men, our informant assures us, were, as they ought to be, in the highest spirits, and were accompanied to the place of embarkation by a great crowd of citizens. The troops left are no more than are required to guard the Commissariat funds, which are deposited for convenience in the vaults of the Upper Canada Bank. A deputation from the citizens of Toronto, had presented an Address to His Excellency, volunteering the services of the two regiments of the city militia to serve in place of the troops, as a garrison. The Volunteer Rifle Corps had presented a like Address. His Excellency had declined both, declaring that no force beyond what the civil authorities could at any time command, was at all needed for the preservation of the public peace. Six thousand stand of arms, accoutrements, &c., had been handed over to the civil authorities, and by them deposited in the City Hall, under the charge of a body of constables. It was thought possible, however, that the constables might be replaced by a volunteer corps for that purpose. Mackenzie’s armed meetings, of which so much is made in the papers that are devoted to his service, are, according to our informant, held in utter contempt in his own neighbourhood.”—*Courier*.

“Since writing the above, we learn, “says the

Chap. *Montreal Gazette,*” that yesterday, about two o’clock
 xxxix in the afternoon, two persons residing at St. John’s,
 1837. one of whom holds the situation of Postmaster at that
 place, called at the house of Mr. Macrae, and on
 being informed by Mrs. Macrae her husband was not
 at home, stated that the object of their visit was, to
 tell Mr. Macrae, that he must resign his commission
 as a Justice of the Peace. Mrs. Macrae replied, that
 she understood Mr. Macrae did not intend to comply
 with their request. The two worthies then pro-
 ceeded to the residence of Mr. Lindsay, it is supposed,
 with the same intention, but he was absent at Mon-
 treal. A third visit was then paid to Mr. Pierce,
 who, finding the impossibility of receiving any pro-
 tection, either civil or military, was obliged to promise
 the surrender of his commission. Mr. L. Marchand
 was also compelled to resign.

“ We are also enabled to state, that toll dues can
 with difficulty be levied on the bridge across the
 Richelieu river, though guaranteed by an Act of the
 Provincial Legislature. The tollman was told by the
 terrorists, that he must give up collecting toll, and
 leave his station, which he was obliged to do. Since
 then Mr. Jones has appointed one of his servants to
 receive the toll dues ; but against those who refuse
 to pay them, he has no remedy but to submit in
 silence.

“ As we believe that all these statements are facts
 that can be relied upon, some of them being made
 on oath, there can no longer be any excuse, in any
 quarter, for delaying to afford that succour and pro-
 tection to Her Majesty’s subjects to which the law
 entitles them.

“ The accounts which come in from day to day,
 from the country round, and the neighborhood of St.
 John’s in particular, are of a kind to show that matters
 are on the very point of reaching that crisis at which
 the long desired, active, and decided intervention of

the Government will become at once possible and necessary. We have not chosen to deal out every report that we have heard upon the subject, because we are aware how very liable those reports are to be exaggerated before they reach us. No time ought certainly to be lost in stationing a body of troops at St. John's, and indeed, if we are not misinformed, none will be lost. It is as necessary to keep a sufficient body together at the more important posts, as it is to station smaller bodies at those of less importance. Could Mr. Papineau succeed in breaking up every regiment into detachments, before winter, he might be said to have a chance in favor of his promised county rising. This chance it will never do to give him. But as soon as fresh troops come in, (and they are expected daily,) we shall look to see further distributions taking place. Let the troops once be molested, or their active interference once be called for, and then, and not till then, the business of agitation will be in a fair way for immediate settlement. Let neither government nor loyal subject be then found wanting, (as we believe they will not,) and the settlement will be promptly made and finally. The 'FORWARD' of the '*fils de la liberté*' will never stand the 'STEADY' of those that will be against them."

The agitation in Quebec, though less ready to break out into rebellion than in Montreal, was equally zealous and ardent in the cause. The select meetings and resolves of the leading men were, it is said, regularly reported by trusty spies to the Government, which could at any time secure them. Emboldened by long endurance on the part of the Government, they imagined that it dared not, even within this the chief fortress of its power in North America, lay hands upon them, and accordingly they bearded it by the audacity of their proceedings, in contempt of their allegiance and of the laws. Finally, it became absolutely necessary, for the maintenance of order,

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Chap. that the Executive should move, and on the 11th of
 XXXIX November warrants were issued for the apprehension
 1837. of several individuals residing in the city, on charges
 of seditious practices. Some escaped, but three or
 four of the more prominent were secured and lodged
 in prison. These, however, after the detention of a
 few days, were enlarged on bail. At Montreal, a
 proclamation was issued on the 12th of November,
 by the magistrates, in the terms following:—

“ PROCLAMATION !

“ Whereas information under oath has been received, that bodies of men are in the habit of assembling together for the ostensible purpose of performing military manœuvres, and whereas such meetings are contrary to law and calculated to create tumult and disorders, and to lead to other disastrous consequences, the magistrates do hereby strictly enjoin and command all persons to abstain from taking part in such unlawful assemblages, and do give notice that they will employ all lawful means to suppress the same; and the magistrates do hereby prohibit all public meetings and processions which are of a nature to disturb the public peace, and they do call upon all loyal and well disposed citizens to abstain from acts which are likely in the present excited state of public feeling to endanger the peace of the city.”

A like proclamation by the magistrates also was issued at Quebec, on the 21st of the same month. The magistrates were, moreover, respectively provided with printed copies of the proclamation required by the Riot Act to be read for the dispersion of tumultuous meetings; indications of a determination by the Executive to commence vigorous action. A new commission of the peace for the district of Montreal, issued about the same time, weeding the magistracy of those (sixty-one in all) who were sus-

pected of being active in the patriotic cause, or lukewarm in their allegiance, and therefore not to be trusted.*

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Bodies of armed men began now to manifest themselves occasionally in different quarters of the district of Montreal, particularly in the vicinities of St. John's and Chambly. Sir John Colborne, who had resided during part of the summer at William Henry, perceiving the crisis to be at hand, moved, on the 9th November, to Montreal, to fix there his Head Quarters for the winter. Volunteer corps of infantry, including riflemen, with artillery and cavalry, were now formed at Montreal, under the authority of Govern-

* Jos. F. Allard, Chambly; Pierre Amiot, Verchères; David Armstrong, Berthier; François Ayet dit Malo, St. Damase; A. E. Bardy, St. Athanase; Joseph Beaubien, St. Benoît; Pierre Beaubien, Montreal; Edouard Beaudry, Varennes; Paul Bertrand, St. Mathias; Louis R. Blanchard, St. Hyacinthe; Seraphin Bouc, Ste Anne des Plaines; Flavien Bouthillier, St. Césaire; Leonard Brown, Dunham; Paschal Chagnon, Verchères; Basile Charlebois, Vaudreuil; Zacharie Cloutier, St. Jacques; Cyrille H. O. Cote, Napierville; Pierre H. Davignon, Ste. Marie de Monnoir; William Dalton; Pierre de Boucherville, Boucherville; Pierre P. D. Labrière, St. Hyacinthe; Jacques L. Demartigny, Jun., Varennes; Casimir T. Demontigny, North River; Leopold Desrosiers, Berthier; Henry Des Rivières, Montreal; Jas. M. Des Rivières, Montreal; John Donegan, Montreal; Jacques Dorion, St. Ours; Pierre Dubreuil, Pointe aux Trembles; Théophile Dufort, Montreal; Joseph Dufresne, St. Jacques; Ignace Dumouchel, Rigaud; Leandre Dumouchel, Ste. Scholastique; Eméry Féré, St. Eustache; Timothé Franchère, Ste. Marie de Monnoir; Joseph T. Franchère, St. Mathias; Eusèbe H. Fréchette, Chambly; J. Glen, Jun., Chambly; Benjamin Holmes, St. Luc; Merritt Hotchkiss, Lacolle; André Jobin, St. Génervieve; P. P. Lachapelle, jun., Lachine; Antoine Lantier, St. Polycarpe; Louis A. Lefebvre, St. Rémi; Jean B. Lukin, Déléry; Paul Lussier, Varennes; Damase Masson, St. Clément; Luc H. Masson, St. Benoît; Aimé Massue, Varennes; A. E. Montmarquet, Chatham; Donald G. Morrison, St. Hyacinthe; Hercule Olivier, Berthier; Julien Poirier, St. Jacques; Marcel Poirier, St. Jacques; Eustache Soupras, St. Mathias; Guillaume J. Vallée, Montreal; Michel F. Valois, Pointe Claire; Joseph Vincent, Longueuil; E. Vincellette, St. Athanase; Joachim Walker, Coteau du Lac; D. R. Weilbrenner, Boucherville.

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ment, and rapidly filled up.* The cavalry, as a corps of observation, were found very useful in visiting the disturbed districts in the neighbourhood, as occasion required. The entire of the military force in the Canadas, at this time but very small, was now concentrated in the District of Montreal, the few troops that had been in Upper Canada having been, with the consent of the Lieutenant Governor, Sir Francis Bond Head, entirely withdrawn to meet the gathering storm in the Lower Province, this gentleman having determined to stake the fate of his Province upon the loyalty of its militia in the event of a rebellion, of which there were also there strong indications.

There was happily in Upper Canada and in the Lower Provinces (Nova Scotia and New Brunswick) a spirit of determined loyalty, and in favour of the constitutional cause in Lower Canada, very encouraging to the British population in it. Addresses were sent from Glengary and various other parts of Upper Canada, to the Lieutenant Governor of the Province, requesting him to assure Lord Gosford that they were ready "to march to Lower Canada, in case His

* November 15, 1837.

SIR,—I have the honour to receive this day your letter of the 16th instant, respecting the formation, under the sanction of the Governor in Chief, of a Volunteer force for the protection of the city of Montreal, and having submitted the same for His Excellency's consideration, I am directed to acquaint you in reply, for the information of those citizens who are interested in such a measure, that His Excellency, alive to the passing events, has already anticipated the object they have in view, in the direction he has lately given for the organization and equipment of an auxiliary municipal force, to an extent commensurate with the exigencies of the times, and adequate, as he trusts, to frustrate the designs of the disaffected, and to preserve public tranquillity. This will present to such of the inhabitants of the city of Montreal, as may be desirous of now coming forward to aid in promoting the cause of good order, an opportunity of affording their services to the constituted authorities in their efforts to secure obedience to the laws, and protection to persons and property. I have, &c.

S. WALCOTT.

Hon. P. McGill, Esq.

Excellency or the Commander of the Forces should require their services." The brave men of Glengary desired him "to announce to His Excellency the Governor-in-Chief, their determination to stand firm by the throne and altar, and cordially to co-operate with him in maintaining unimpaired the connexion so happily existing between Great Britain and the American Colonies." And these, it may be remarked, were no idle offerings, for they afterwards, in the hour of need, actually did turn out, and march into a disturbed part of Lower Canada, where the effects of their visit were of late, and perhaps still are, but too perceptible.

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The following, taken at random from a multitude of similar evidences, will sufficiently manifest the spirit of loyalty that prevailed in Upper Canada, and the views there entertained of the patriotic movements in Lower Canada:—

"At a very numerous and respectable meeting of the inhabitants of Kingston, convened by requisition addressed to Richard Bullock, Esq., High Sheriff of the Midland District, and held at the Court House on Thursday, the 2nd November, 1837. The meeting was opened by the High Sheriff as Chairman, who explained the objects of the meeting, when the following resolutions were put and carried unanimously.

"*Resolved*, 1. That we are at all times ready to unite with the different Provinces of British North America in all proper measures of reform, and on all matters concerning our interests, or those of the British Colonies, or on any thing tending to support and defend our rights as British subjects, consistent with the supremacy of the British Government.

"2. That this meeting looks with concern and regret on the proceedings of the revolutionary faction in Lower Canada as tending, not to the legitimate removal of any known or imaginary grievances, but to the subversion of the British Constitution.

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“ 3. That circumstanced as this Province is in relation to Lower Canada, we cannot any longer defer the declaration of our determination to support, with our lives and fortunes, the supremacy of the British Constitution, and the just dependence of the Canadas upon the British Crown.

“ 4. That this meeting will promptly assist the loyal and well disposed inhabitants of Lower Canada in maintaining the laws and liberty of the British Constitution in that Province, being convinced that it only requires moderate firmness, on the part of our general Government, to suppress the attempts of the rebellious party, who, for many years have retarded our agricultural and commercial prosperity, and the general improvement of both Provinces.

“ 5. That understanding that His Excellency, Sir Francis Bond Head, has signified his assent to the removal of Her Majesty's Troops of the Line from this Province, for the purpose of aiding the civil power in Lower Canada, this meeting cannot but feel gratified at the confidence which His Excellency has thus manifested in the loyalty of the people in Upper Canada, and which we are determined to prove, should occasion require it, has not been misplaced.

“ 6. That proud as we are of our origin as Britons, and dearly as we value the blessings of our glorious constitution, we cannot but regard as our enemies all those who would assail the one, or endeavour to subvert the other; and in order to assist our countrymen and friends in Lower Canada, in defending these cherished objects from the assaults of their foes, that it is expedient, under the sanction of His Excellency the Lieutenant Governor, to raise and enrol a Volunteer Corps in this town, to be in readiness to act in the hour of need; and we take this occasion heartily to congratulate the loyal population of Lower Canada on their good fortune in beholding at the head of

Her Majesty's troops in the Province, an officer of such tried gallantry, vigilance and decision, as Sir John Colborne; and we feel assured that to act under such a commander, would be an additional attraction to Volunteers from Upper Canada.

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"7. That copies of these resolutions be transmitted to His Excellency the Earl of Gosford, His Excellency Sir Francis Bond Head, Lieutenant General Sir John Colborne, and the Presidents of the Constitutional Associations of Montreal and Quebec."

[From the *Toronto Patriot*.]

"GOVERNMENT HOUSE,

"29th October, 1837.

"SIR,—I am commanded by the Lieutenant Governor to inform you, that in consequence of the disturbed state of the Lower Province, His Excellency has cheerfully consented to the immediate withdrawal of Her Majesty's troops from Toronto, and that His Excellency has moreover offered to Sir John Colborne the assistance of the military stationed at Kingston.

"As the 24th Regiment quits the barracks at this port to-morrow, about six thousand stand of arms and accoutrements complete will require to be protected, and the Lieutenant Governor desires me to express to you, that he has very great pleasure in offering to commit this high important trust to the loyalty and fidelity of the Mayor, Aldermen, and the Commonalty of the City of Toronto.

"I have the honor to be, &c.,

"J. JOSEPH.

"The Worshipful

"The Mayor of Toronto."

Chap. "To His Excellency Sir Francis Bond Head, Baronet,
xxxix K. C. H., Lieutenant Governor of the Province of
1837. Upper Canada, &c., &c., &c.

" May it please Your Excellency :

" We, the Mayor, Aldermen, and Commonalty of the City of Toronto, in Common Council assembled, wait upon your Excellency for the purpose of acknowledging the receipt of the communication which your Excellency has been pleased to transmit to us, informing us 'that in consequence of the disturbed state of the Lower Province, your Excellency has cheerfully consented to the withdrawal of Her Majesty's troops from Toronto; that in consequence about six thousand stand of arms and accoutrements complete will require to be protected, and that your Excellency has been pleased to commit this highly important trust to the loyalty and fidelity of the Mayor, Aldermen and Commonalty of the City of Toronto.'

" Whilst we deeply deplore the existence of a state of things in the Lower Province which renders it expedient to call for additional military aid to protect the rights of the Crown and of the people, and to support the laws of the land in that colony, we cannot but warmly applaud the patriotic determination of your Excellency in permitting the withdrawal of the whole military force of this Province upon the present emergency.

" We respectfully assure your Excellency that we are deeply sensible of the very high confidence which your Excellency has been pleased to repose in us, in committing this very important trust to the loyalty and fidelity of the Mayor, Aldermen, and Commonalty of the City of Toronto, and we venture to assure

your Excellency that this confidence will not prove to have been misplaced. Chap. xxxix

(Signed,) "GEO. GURNETT, Mayor. 1837.

"Council Chamber, 30th Oct., 1837."

"TORONTO, 31st October, 1837.

"SIR,—Seeing that Her Majesty's Royal Troops have all left the seat of the Government, and having had a Volunteer Company of young militiamen of this city placed under my command, in the month of May, 1836, by the Lieut. Governor, for the purpose of being drilled, I beg leave in their behalf to offer their services to His Excellency the Lieutenant Governor, to be employed in furnishing the usual guard for the Government House, or any other duty which His Excellency may be pleased to order.

"I have the honor to be, &c.,

"JAMES FITZGIBBON.

"To John Joseph, Esq.,
"Civil Secretary."

"GOVERNMENT HOUSE,

"31st October, 1837.

"SIR,—I have had the honor to lay before His Excellency the Lieutenant Governor your letter of this day's date, and in reply I am commanded by His Excellency to request that you will convey to the Volunteer Company of young militiamen of this city, placed under your command in the month of May, 1836, by the late Lieut. Governor, for the purpose of being drilled, His Excellency's thanks for their prompt offer to furnish a guard for the Government House, or to perform any other duty which His Excellency may be pleased to order.

"I am further commanded by His Excellency to state, that in case the lives or property of His Majesty's subjects in this Province should require de-

Chap. fence, His Excellency will instantly avail himself of
 XXXIX the services which have so zealously been offered to
 1837. him; but placing implicit reliance on the loyalty of
 the inhabitants of Upper Canada, the Lieut. Governor
 must decline to accept any other personal protection
 than that which the laws afford to every inhabitant
 of this noble Province.

"I have the honor to be, &c.,

"J. JOSEPH.

"Colonel Fitzgibbon,

"Commanding the 1st Toronto Militia."

Mr. Debartzch, of whom there has been occasion previously to speak more than once, and who had patronized, as already mentioned, if not published, the "*Echo du Pays*," a violent anti-government and anti-British paper, printed at the village Debartzch, the place of his residence, but who at length, seeing the frightful disorders coming on, in consequence of the political agitation he encouraged, had set his face against the doctrines it advocated, and had become exceedingly obnoxious, by reason thereof, to his quondam partizans the "patriots." He was now active in exhorting the masses in his vicinity to moderation, and the employment only of constitutional means for the redress of such matters as they deemed grievances, and doing his utmost to allay the passions which he with others had helped to raise. But all his efforts were unavailing, and only served to bring upon himself the indignation of the multitude he formerly had swayed, and who, from deeming him a patriarch on whose counsels they could rely, now turned upon him as an apostate and traitor to the cause, and one whom it would be a virtue to seize, if not immolate. It was accordingly determined to seize upon his person, and detain him as an hostage for the safety of any of their own associates in treason who might fall into the hands of the government. The attempt was

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accordingly made, but aware of their purpose, he privately left his manorial residence, effected his escape, and got safely into Montreal.*

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Warrants having at length been issued (16th November) against several of the leading and more active patriots in the city of Montreal, on charges of high treason, including Mr. Papineau, such of them as could be found were immediately arrested and lodged in prison. These were Messieurs André Ouimet, president of "*les fils de la liberté*," J. Dubuc, an *employé* at a tavern, it was said, François Tavernier, George De Boucherville, an advocate, Doctor Simard, and a student at law named Leblanc. Messrs. Papineau, O'Callaghan, T. S. Brown, Rodolphe DesRivières and Ovide Perrault, getting wind of the measures in preparation for their arrest, evaded the High Constable, Mr. Delisle, charged with the writs, and escaped from town, directing their course towards the Richelieu, where the masses, though not yet actually up and in arms, were on the *qui vive* and ready to rise at the bidding of their chiefs.

The same evening that these arrests took place,

* The details of this gentleman's flight are given as follows in the *Quebec Mercury* of the 25th November, 1837:—

"Many contradictory reports have been circulated respecting the departure of Mr. Debartzch and his family from his residence and estate, but the following, which we translate from the *Populaire*, is, we believe, a correct narrative of what occurred on the occasion:

"After the assembly of the six counties, and whilst Mr. Debartzch thought himself in full security with his family, but after the agitators had endeavoured to scandalize the Church of St. Charles, on the reading of the *mandement* of the Bishop, and had endeavored to establish in the parish a branch of the *most noble order* of the "*Sons of Liberty*," a report spread, or rather the report was set on foot, that Mr. Debartzch intended to retire from the village; that he had chartered a steamboat to transport all his moveables, and that he was about to seek refuge, under the wing of authority, from the vengeance to which the harangues of Papineau had excited the people of the parishes against those whom he proclaimed as the enemies of the patriotic cause, so called by him. Mr. Debartzch was informed that preparations were making in the neighbouring parishes to collect a party, and that he might expect something more serious

Chap. a party, consisting of eighteen of the Volunteer
xxxix Cavalry, was despatched, under Licut. Ermatinger,
1837. to St. John's, attended by a constable, to arrest two
inhabitants of that place, Messrs. Davignon and
Demaray, charged with treasonable practices. Hav-
ing quietly effected their purpose, they left St. John's,
on their return, about three o'clock the following
morning, taking the road through Chambly to Lon-
gueuil.

The following is a report of the case, as taken
from a Montreal newspaper :

" Not far from Chambly, they met with a party of
about 30 persons, variously armed, who, however,
went off as they approached. At about a mile from
Longueuil, they were warned by a woman, that a
large party of men was in waiting for them a little
further on ; but from some cause or other the infor-
mation was disregarded, and the party proceeded as
before. They had gone on but a very short distance,
when they found themselves almost close to a body
of about 300, in a field on the right of the road,
protected by a high fence, and armed with rifles and

than a *charivari*. One night, about eight o'clock, the footsteps of a
numerous crowd were heard about his house ; Mr. Debartzch went
out in his veranda and saw, before the gate of his grounds, a party
of probably 200 persons, many of whom were armed ; it was dark,
however, and it was difficult to identify individuals.

" " The family of Mr. Debartzch were in a state of anxiety which
it is difficult to describe, but he retained his calmness and self-pos-
session, and remained unshaken ; he continued to walk in the veran-
da, and saw a gun presented at him, which was snapped, but fortu-
nately only burnt the priming. These people remained for a con-
siderable time before the house ; at length a voice cried out, " It
appears that he does not set out on his journey to night ; we will
return again."

" " The night was passed by the family in a state difficult to de-
scribe, and which was only relieved by the courageous conduct of
the master of the house.

" " The next day a more numerous party, at the head of which
was the ex-Major Drolet, Dr. Duvert, and many others, posted
themselves in the village, and sent as their herald one Marchesseault.
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muskets. The party in advance moved on to pass them, but was received by a heavy fire, which it was impossible for them to return with effect, armed as they were with pistols only, and from a body which, on account of the high fence, they could not charge sword in hand. Under these circumstances, they fell back on the main body of the party, though not until several shots had told with effect upon them. Lieut. Ermatinger was wounded with duck-shot in the face and below the shoulder, Mr. Sharp received a bullet through the leg, a little below the knee, and Mr. John P. Ashton also received a slight wound from a slug. Mr. John Molson, junior, had a narrow escape for his life, a bullet passing through his cap and grazed his head. Mr. Joshua Woodhouse also was wounded severely. Several of the horses were more or less wounded. In turning to retreat, the wagon in which the constables and the two prisoners were, was upset and necessarily left behind by the cavalry, who then made their way into Longueuil, across the fields. On arriving there, they found a detachment of two companies from the 32nd Regiment, under

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courage at the appearance of a man who owed all he had to the protection and generosity of Mr. Debartzch, cried out, "My dear father, I hope you have too much respect for yourself to hold any communication with so low a fellow as I see before you." Marchesseault dropped his head like a criminal struck to the earth on hearing the sentence the judge is pronouncing upon him. Mr. Debartzch replied, "Never mind, my dear, I shall not forget what I ought to do, and am fully sensible of your filial affection under such trying circumstances."

"Marchesseault then ventured to lift his eyes half way, and faltered out, "that there were painful moments in life; that he never should forget what he owed to Mr. Debartzch, but that the good of his country was above all consideration, that he was deputed by the people to demand from Mr. Debartzch a plain declaration, that he had not advised the government to arrest the signers of the address, at the meeting of the six counties. That without such declaration he was sorry to say he could not be accountable for the consequences." Mr. Debartzch could honestly do so, and he had no hesitation in declaring, as was required of him, in writing, provided the leaders of the party signed a passport that should secure himself

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Major Reid, who had been despatched at an early hour from Montreal, to receive and support them in case of necessity, but whose orders had unfortunately directed him not to proceed beyond Longueuil. The prisoners had, however, then made their escape, and the whole body returned to the city for further orders. Some two hours afterwards, Constable Malo returned to the city, reporting none others killed or wounded, and of course without his prisoners."

This was the first armed resistance to the laws, and the success of it, of course, elated the patriots beyond measure, inspiring them with an undue confidence in their strength and prowess, which they shortly after found to be premature. The rescuing party was under the direction of Mr. Bonaventure Viger, assisted by Doctor Kimber, of Chambly.

The flight of Mr. Papineau and several of his more prominent colleagues from Montreal, was a signal for the gathering of the masses on the Richelieu. A considerable body of patriots accordingly assembled at the village Debartzch, in the Parish of St. Charles, taking possession of the Manor House, which Mr.

and family a safe passage to Montreal without insult or molestation. Marchesseault carried back this answer; a consultation was held, but it is supposed the leaders were cautious in giving such a passport, as it might furnish proof of their insurrection, for Marchesseault returned with an answer, that they would be contented if Mr. Debartzch would pledge his word to the same effect. The party withdrew shortly afterwards.

"In the course of the day fresh movements were made amongst the insurgents; the most contradictory reports were circulated, and menaces of burning and pillage were not spared; several persons came to Mr. Debartzch to persuade him to leave his house, urging upon him that his family would be exposed to less danger than he would encounter, and that a moment's delay might render his retreat impossible. Overcome by these remarks and by the urgent solicitation of his family, Mr. Debartzch consented to withdraw, and set out about night-fall.

"On the day next but one a steamboat, chartered by Mr. Debartzch, arrived to bring away all his family, and they eventually arrived in safety at Montreal, grateful that under Providence they had escaped the dangers by which they were surrounded."

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Debartzch had lately abandoned, throwing up also a rough breastwork of logs and timber round the vil-
lage to prevent surprise, and by way of defence against troops that might be sent to dislodge them. This was, it seems, to be the head quarters of the insurgent or patriotic army, south of the St. Lawrence, of which Mr. Thomas S. Brown now assumed the command, by authority, it was supposed, of the permanent Central Committee of Montreal, or by nomination of Mr. Papineau himself. The commissariat, to subsist this assemblage of some 600 to 800 *habitants*, was supplied by plunder collected by marauding parties under the orders of the commander of the so called patriotic army, who, it was said, succeeded in depriving several of his mercantile acquaintances at Montreal of considerable quantities of grain and flour, which they recently had purchased from the farmers in that quarter, and stored, to be forwarded in course of the autumn to Montreal in lighters or small river craft.*

The following shews the spirit that actuated the loyalists at Montreal:—

“ MONTREAL, (*Herald*), Nov. 25.

“ The intelligence from the country has converted this city into a barrack. All the wards are armed, and the volunteer brigades have pretty well com-

* “ Yesterday Mr. Perrin of St. Antoine, shipped some wheat in boats to the care of Messrs. Dempster & Rodger, of this city, but a portion of it was seized for the patriotic army by Mr. T. S. Brown, who appears now to have charge of the Commissariat. Information was received in town yesterday that Papineau slept on Tuesday evening at the house of Wolfred Nelson, and that he is now at St. Charles along with O’Callaghan, Brown, Des Rivières, Gauvin, Cartier, Beaubien, Duvernay, Louis Perrault, and several other rebels.

“ The rebels, under the command of Mr. T. S. Brown, have laid an embargo on all the grain in the district in which they have taken up their quarters. A clerk of Messrs. Dempster and Rodger’s was sent a few days ago to superintend the shipment of a considerable quantity of wheat from St. Antoine, but was informed by Mr. Brown that he could not allow it to leave the place where it was

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Chap. completed their organization. In the remote contingency
 xxxix of any attack on the city, there will be no want of
 1837. arms or of men to wield them; but, as discipline is absolutely requisite to make the few equal to the many, we cannot too strongly impress on the powers that be the necessity of regularly drilling all the volunteers, and of as regularly paying all such as may stand in need of any."

A considerable mustering of the patriotic forces now took place at St. Denis, on the river Chambly, under the direction of Doctor Wolfred Nelson, who having for many years resided in that parish, where, besides practising his profession, he carried on a brewery and distillery on an extensive scale, was popular among his neighbours and the yeomanry of the adjacent parishes, and distinguished also as a devoted and active partizan of Mr. Papineau, and staunch patriot in the prevailing sense of the word.

Shortly after the rescue of Messrs. Davignon and Demaray, the following appeared in the public papers, signed by several magistrates of French or foreign origin, resident in Montreal:—

"To the Inhabitants of the District of Montreal :

"As magistrates and conservators of the peace of Her most gracious Majesty in this district, we conceive it to be our duty to anticipate the serious events

stored, as he was seizing all the grain he could find for the patriotic army; he also sent his compliments to several of his quondam friends in town that he would be happy to see them at St. Charles, where Mr. Debartzch had left a large supply of fat turkeys, pigs, geese, &c., and had besides an excellent stocked wine cellar.

"We understand from the *Herald* of this morning, that Mr. Chaffers of St. Cesaire, the magistrate who had become so obnoxious to the intimidators of that place, in consequence of his refusal to give up his commission, has been obliged to fly for his life, and leave his house and property to the mercy of his enemies. Shortly after he went away, about a hundred and fifty armed men entered his house, eight of whom presented their guns to Mr. Chaffers' clerk, in order to induce him to tell where his master had gone to."—*Montreal Gazette.*

which threaten the public tranquillity, and, in a fatherly feeling, to warn you of the danger you will incur if you allow yourselves to be longer deceived, as well as of the punishment that may fall upon you if you continue a contest as parricidal as it is unlawful.

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“The officers of justice have been fired upon in the performance of their painful duty; prisoners who had been lawfully arrested, that they might be tried by the tribunals of their country, have been liberated. these are grave offences, and draw after them the most severe punishment upon those who have been guilty of their commission.

“It is not you, inhabitants of the country, naturally peaceable in your habits, who have voluntarily opposed yourselves to justice; but it is those perfidious men who have pushed on some isolated individuals to commit these acts unworthy of those who know how to respect the public peace and the laws.

“We exhort you not only against all violent proceedings, but also to return quietly to your own hearths and to your family, in whose bosom you will be free from molestation. It is by committing yourselves to the protection of the law and the British Government, that you will succeed in bringing back peace and prosperity to your country. Already are we informed that several parishes which had gone astray have returned from their wandering and repented of their error.

“If our voices were not well known, if there was a reluctance to listen to reason, still it would, nevertheless, be our duty to warn you that neither the military force, nor the civil authorities, can be assailed with impunity, and that the vengeance of the law will be as prompt as it will be terrible. The aggressors will become the victims of their temerity, and they will owe the misfortunes which will fall upon their heads only to their own obstinacy. Those

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Chap. who urge you to these excesses are not your true
 xxxix friends. They have already abandoned you, and
 1837. will again abandon you in the moment of danger,
 whilst we who would recall you to the paths of peace
 believe ourselves to be the most devoted servants of
 our country."*

On this occasion a "General Order" was issued,
 on the 21st November, as follows:—

"HEAD QUARTERS,
 "G. O. MONTREAL, *November 21, 1837.*

"The Lieutenant General Commanding desires
 that officers commanding military stations will circu-
 late as widely as possible the accompanying copies of
 an Address from the magistrates of Montreal to the
 inhabitants of the Montreal district; and that they will
 take every opportunity of impressing upon the minds
 of the peasantry, that troops have been collected
 solely for the protection of the lives and property of
 the loyal inhabitants; and that all those who remain
 quietly and peaceably in their houses, will be pro-
 tected and secured in the full enjoyment of their
 homes, and that every man found in arms, without
 authority, or offering resistance to the due execution
 of the laws, will be treated with the utmost rigour.

"JOHN EDEN,
 "Lieut. Colonel, Dy. Adj. Genl."

But a much more noble document than the above
 was presented, on the 24th November, to the Gover-
 nor at Quebec, by a number of truly patriotic gen-
 tlemen, whose names deserve to be recorded in letters
 of gold, for the admiration and respect of posterity:

* D. B. Viger, Pierre DeRocheblave, Louis Guy, Edouard M.
 Leprohon, Etienne Guy, P. R. Leclerc, William B. Donegani, Chas.
 J. Rodier, Alexis Leframboise, Jules Quesnel, Feiix Souigny, P.
 J. Laociz, N. E. Barron.

"QUEBEC, 24th November, 1837.

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"SIR,—In the present state of the Province, we the undersigned, beg to tender our service as Volunteers in aid of Her Majesty's Government, to be enrolled as a corps of Light Infantry, or in any way His Excellency the Governor in Chief may direct.

"We want neither pay or allowances, and will serve under any officers His Excellency may appoint.

"We have the honor to be, &c.,

"John Fraser, A. Simpson, James Sealy, James Hamilton, Robert Maxwell, Philip Holland, W. Tremain, Chas. Poston, Chas. Poston, jun., R. M. Longmuir, William Penny, David Young, William Price, James Bell Forsyth, D. Burnet, W. H. A. Davis, Robert Shaw, Thomas Morkill, William Ramsay, W. Stevenson, M. Stevenson, Thos. C. Lee, H. Burstall, J. Charlton Fisher, Jno. Thompson, Edward Ross, R. P. Ross, Jas. H. Tubby, H. W. Gibsone, G. F. Gibsone, W. D. Dupont, Wm. A. Cuppage, William Creelman, Paul Lepper, E. Lane, R. Chalmers, A. Lenfesty, Richard Wainwright, E. E. Holt, G. W. Thomas, W. C. Henderson, A. G. Stewart, G. Forrest, James Dean, Geo. Mountain, James Burns, Adam Burns, James B. Edie, A. Laurie, Rice Meredith, Thomas Jackson, John Sinclair, D. J. Graddon, H. Le Mesurier, J. Tos. Rollo, W. H. D. Jeffery, Henry Sharples, J. S. Campbell, James Gibb, J. W. Laycraft, And. McGill, A. Bell, Jno. Bonner, And. H. Young, A. Jno. Maxham, G. H. Parke, Dun. McPherson, Jas. G. Ross, Geo. S. Pierce, W. Lampson.

"To S. Walcott, Esq., &c., &c., &c."

"CASTLE OF ST. LEWIS,

"QUEBEC, 27th November, 1837.

"GENTLEMEN,—Having submitted to His Excellency the Governor in Chief the letter dated the 24th instant, and signed by you and a number of other highly respectable inhabitants of this city, tendering

Chap. your gratuitous services as Volunteers, to be enrolled
 xxxix as a corps of Light Infantry in aid of Her Majesty's
 1837. Government, I have been directed by His Excellency
 to assure you that he accepts with great pleasure
 and satisfaction the offer you have so handsomely
 made on this occasion, and most willingly sanctions
 the formation of four companies of 60 to 80 men
 each, two of such companies to be rifle companies,
 and the whole to be called the 'Quebec Light In-
 fantry Corps.'

"I am further to acquaint you that His Excellency
 has been pleased to appoint the following gentlemen
 to officer such corps, viz:—

"J. S. Campbell, Esq., to be Captain,

"Thomas Froste, Esq., to be Lieut.,

"Paul Lepper, Esq., to be Ensign—in the *First
 Company*.

"A. Simpson, Esq., to be Captain,

"H. Sharples, Esq., to be Lieut.,

"E. H. Davidson, Esq., to be Ensign—in the
Second Company.

"John Young, Esq., to be Captain,

"H. J. Noad, Esq., to be Lieut.,

"W. Paterson, Esq., to be Ensign—in the *Third
 Company*, and

"G. B. Cullen, Esq., to be Captain,

"Wm. K. Baird, Esq., to be Lieut., and

"Mr. J. Martyn, to be Ensign—in the *Fourth
 Company*.

"The two last companies to be rifle companies.

"I have the honor to be, &c.,

"S. WALCOTT, Civil Secretary.

"To W. Price, &c."

The loyal of the citizens of Quebec accordingly
 formed themselves into military corps, the parliament
 building being assigned them as a drill house, and

they gratuitously did the garrison duties during the whole winter. The patriots of this city, though galled at the gallant conduct of their fellow-subjects of British origin, were quiet, and affected even to hold loyal meetings, but not until after the affair at St. Charles we are presently to notice. At these meetings, however, notwithstanding he endeavours at self-constraint, the true feeling occasionally burst forth and but too evidently appeared.

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We are now to notice the military proceedings which took place in consequence of the assembling of the patriots and the open rebellion that had actually broken out in the district of Montreal. The day after the rescue of Davignon and Demaray, four companies of the 1st or Royal Regiment, under the command of Lieut. Colonel Wetherall, accompanied by a small detachment of Artillery, with two field pieces, under Captain Glasgow, and some 16 to 20 of Captain David's Montreal Volunteer Cavalry, crossed from Montreal to Longueuil, attended by the Deputy Sheriff, Mr. Duchesnay, and Messieurs S. Bellingham and P. E. Leclerc, magistrates. They immediately went on to Fort Chambly, where they took quarters for the moment, awaiting further orders. They were not entirely unopposed on the march, as, from the following sketch of it, probably by one of the party, may be collected:—

“The spot where the attack was made on Friday upon the cavalry, is, as we now learn from parties who have since gone over the ground, from two to three miles out of Longueuil. On arriving at the place, the detachment found the wagon in which the prisoners had been conveyed, lying by the roadside, a dead horse in the road, and tracks of blood in the field where the assailants had been posted; from which it would appear that some execution was done by the fire of the cavalry previous to their re-

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treat. The houses and barns by the road-side, from which the cavalry had been fired upon in their retreat, were all found with the doors and window-shutters nailed up. A careful search was of course made, but though the fires were still burning in some of them, there were neither weapons nor inmates to be found in any. The party then proceeded along the road, finding the houses, with one or two exceptions only, deserted, and uniformly without arms in them. Scouts were frequently seen mounted, and riding down the several concession roads towards the main road; but on sight of the troops, they uniformly started off again. An individual who was met upon the main road, stated that as he came along he had seen numbers of men, women and children, leaving the houses along the road, and going off right and left, the men mostly armed. About six miles from Chambly a man was overtaken on the road, armed. When arrested, he admitted that he had turned out to join a party that was designed to intercept the troops. About a mile further, the cavalry, who were in advance of the main body, gave chase to a party of about 30 armed horsemen, whom they saw at some distance before them, and who made off immediately at full speed, turning to the left up a concession road towards the Bellœil mountain. After a mile and a half of hard riding, most of them took to the woods, while the remainder made their escape along the road. A company of the infantry coming up, were then ordered into the bush, the cavalry being drawn up along the edge to cut off such as might be driven out. Some twenty or thirty shots were exchanged, with what effect on the rebels is not known, and two prisoners named Mongeau, father and son, and four horses, were taken. None of the soldiers were hurt. The elder Mongeau, when taken, was armed with a horse pistol, the younger with a fusil. Both had a good supply of ball-cartridge, a

part of which they declared to have been served out to them by Dr. Kimber, of Chambly, one of the missing heroes of the revolution, whose present *locale* is by many shrewdly conjectured to be south of the line 45°. On arriving at Booth's tavern, not far from Chambly, a party of about 100 men were found posted just beyond the bridge; but they made off so fast, as the troops came up, that only four of them were taken. The party reached Chambly with their seven prisoners a little after sun-down. From the general statements made by the prisoners, it is evident that a large body of men had been called out to oppose the troops, and that courage, rather than numbers, was wanting to induce them to attempt it. The two Mongeaus, we understand, are identified as having been of the party that fired on the cavalry on Friday. The two magistrates and the deputy sheriff returned on Saturday to the city. The troops, with their prisoners, who are placed in separate confinement, remain at Chambly."

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It being now ascertained that the patriots were collected in considerable numbers, as well at St. Denis, where Doctor Wolfred Nelson was the leading man, as at St. Charles, (village Debartzch,) under Mr. Thomas Storrow Brown, it was deemed necessary to take measures to disperse these assemblages, and to apprehend their chiefs. Accordingly three companies, besides those that had proceeded to Fort Chambly, of the 24th and 32nd Regiments, one field-piece, and a small detachment of the Montreal Cavalry, under the command of Colonel Gore, were embarked on the 22nd November, on board the steamboat St. George, (C. L. Armstrong, master,) for Sorel, as the most expeditious route to St. Charles; Lieut. Col. Wetherall, stationed at Chambly, had been furnished with instructions to march, with the Royals, upon the same point, so as to meet and form a junction with the force under Colonel Gore. The troops un-

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der Colonel Gore were landed at Sorel on the same night, and about ten o'clock, notwithstanding the darkness of the night, and the extreme inclemency of the weather; the wind being squally and tempestuous, with frequent showers of sleet and rain, they, with the addition of the light company of the 66th, under Captain Crompton, stationed at Sorel, were marched towards the supposed seat of the enemy. The roads, as they always are at this period of the year, were in a horrid condition, and the mud and water, during almost the whole march, were knee deep. After an unexampled and truly harassing march of about twelve hours, the troops arrived in the neighbourhood of the village of St. Denis at about ten o'clock on Thursday morning. A picket of the cavalry being at this time in advance, and making two prisoners of the patriotic party, brought them in to Colonel Gore, who learned from them that the insurgents were posted in great force in the village of St. Denis.

"The necessary orders were then given for the troops to advance, an order which was promptly obeyed, notwithstanding the harassing and fatiguing march of the night. Towards the north-eastern entrance of the village of St. Denis, there is a large stone house of three for our stories, which was discovered to be full of armed men, who opened a sharp and galling fire upon the troops. The skirmishing party here consisted of the light company of the 32nd, under Captain Markham. Within a quarter of an hour after the firing commenced, Captain Markham was severely wounded in the leg; and, almost at the same moment, received two dangerous wounds in the neck, which brought him to the ground. In conveying him to the rear, he received another wound, a proof of the dexterity and precision of the fire kept up by the patriots. It was found by Colonel Gore that the infantry, deprived of the assistance of Colonel

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Wetherall's force, was inadequate to cope with the terrible fire of musketry that was kept up and directed against them from the stone house. The field-piece, accordingly, was brought to bear upon this fort of the insurgent army, and injured it considerably, sending many of the inmates to their final account. Notwithstanding, as the ammunition was nearly exhausted, it was deemed prudent to retire, in order to maintain the communication with Sorel, as many of the inhabitants were seen gathering from all directions to the scene of action. At about half-past two in the afternoon, the order to fall back was given, and with the loss of six men killed and ten wounded, a retreat was commenced. The roads were so bad that it was impossible to get further than three miles that night; and Colonel Gore was under the necessity of bivouacking till daylight of Friday morning (24th), when he again commenced his march upon Sorel, which he reached that afternoon."

The Deputy Sheriff, Mr. Juchereau Duchesnay, charged with warrants to apprehend Doctor Wolfred Nelson and others, of St. Denis and the neighbourhood, for treasonable practices, accompanied the expedition. The precise loss of the patriots on the occasion has never been distinctly stated, though several must have fallen. * Among these, Ovide

* I have but very recently obtained from a gentleman, who was with the patriots at St. Denis and engaged on their side in this action, the following statement, which I am satisfied is correct as to the number of patriots slain, and which is not so considerable as when the above was written it was understood to have been. According to the following, the first shot it seems came from the troops.

Names of persons killed at St. Denis the 23rd November, 1837:

	Residence.	Age.	Married.	Single.
✓ Joseph Dudevair,	St. Denis,	39	1	0
✓ Eusebe Faneuf,	"	19	0	1
1 st Antoine Lusignan,	"	54	1	0
✓ Pierre Minette,	"	30	1	0
✓ Charles St. Germain,	"	25	1	0
✓ Benjamin Durocher,	St. Antoine,	40	1	0
✓ Levy Bourgeois,	"	40	1	0

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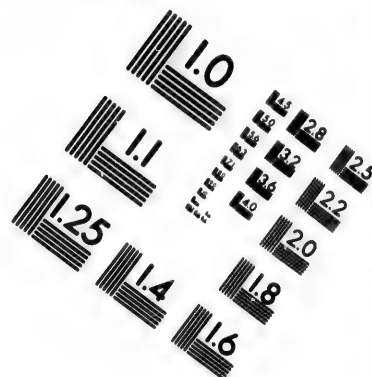
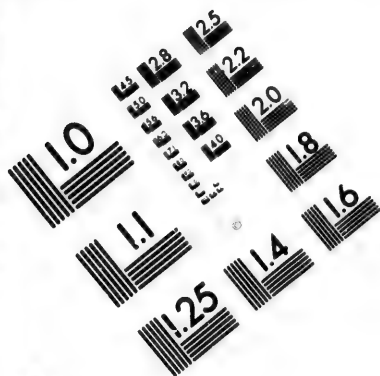
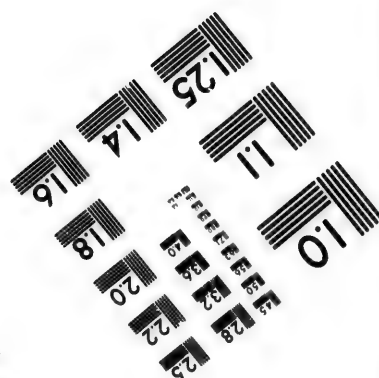
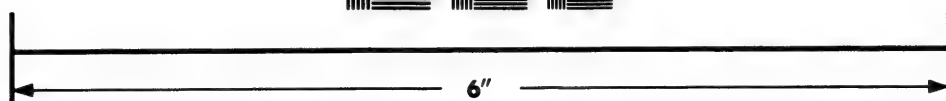
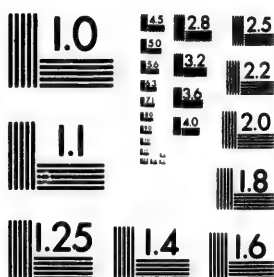


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Perrault, M. P. P., a barrister and young man of considerable promise, was very generally regretted. Several of the soldiers also fell, it is said, during the retreat. Three or four, who were wounded during the action, were, with a field piece, which, owing to the very bad state of the roads, and the great fatigue of the troops, it was found impossible to bring away, left behind, and fell into the hands of the victorious patriots, who treated the wounded with great care and kindness. Doctor Nelson, notwithstanding his errors as a British subject, great and grave as they were, in forgetting the respect he owed to the laws of his country, and his duty and allegiance to his Sovereign, to his honor be it told, did not, after the action was over, forget the duties of humanity, but bestowed the greatest of attention on the wounded soldiers who were left behind, and with a kindness as they stated, that could not be exceeded by their own regimental surgeons.

This second and signal success of the patriotic cause, elated the patriots in all quarters of the Province, who, as the navigation was on the point of closing, and the arrival of reinforcements by sea

	Residence.	Age.	Married.	Single.
✓ 3 Damién Romain,	"	20	0	1
Honoré Boutillet,	"	20	0	1
✓ Jean Bte. Pattenaude,	St. Denis,	55	1	0
✓ Ovide Perrault,	Montreal,	25	0	1
François Dufault,	St. Denis,	25	0	1
✓ François X. Lamoureux,	St. Ours,	17	0	1

1 This man was not engaged, nor in the battle. He was standing as a spectator at the corner of a street, at some distance from the troops.

2 Killed before the battle, several acres below where it took place, as he was crossing a field.

3 His body was found and recognized between St. Denis and St. Ours, at the breaking up of the ice the spring following. He was killed by the troops on arriving, shortly previous to the engagement. It is said that these two persons were killed before a shot was fired from the house in which the patriots took post, or elsewhere.

Quebec, 1st November, 1852.

deemed impracticable, and the advent of such overland out of the question, now counted upon certain success. But the tables were about to turn against them. Lieut. Colonel Wetherall had left Chambly for St. Charles, the head quarters of the patriots, at the same hour, on the 22nd of November, at which Col. Gore left William Henry for St. Denis, being reinforced by a company of the 66th Regiment, which joined him at Fort Chambly. The patriots were evidently on the outlook for them, it being observed by the troops that, on crossing the basin at the Fort to the east side of the river, blue lights fired by the patriots gave notice to their friends at St. Charles, some distance lower down, of Colonel Wetherall's movement.

"The troops proceeded, encountering the worst of weather and roads, through the night, and through the forenoon of Thursday, till on arriving at Rouville, some six or seven miles from St. Charles, they found a bridge of considerable size removed, and were forced to bivouac there for the night. The next day appears to have been spent in getting up a new bridge, refreshing the troops, and obtaining information. Major Ward, with the Grenadier Company of the Royals, from St. John's, also joined the main body during that day. Major Ward had reached Chambly too late to join in the march, and had thereupon taken the precaution to procure scows and batteaux for conveyance of his company down the river to Rouville, by which means they arrived at that place fresh and well prepared for service.

"During the whole of this time, the communication by despatches with Chambly and Montreal, was extremely irregular, most of those sent out towards Rouville being driven back, and little or no news being brought in from that quarter. All sorts of reports, of course, prevailed by turns.

"The march was accomplished without opposition or hindrance, except from the breaking down of the

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Chap. bridges, &c., until he arrived within a mile of St. Charles, when the troops were fired upon from the left or opposite bank of the Richelieu, and a man of the Royal Regiment wounded. Several rifle shots were also fired from a barn immediately in their front, whereupon the barn was immediately burnt. On arriving at two hundred and fifty yards from the rebel works, Col. Wetherall took up a position, hoping that a display of his force would induce some defection amongst the infatuated people; they, however, opened a heavy fire, which was returned. The gallant Colonel then advanced to another position, one hundred yards from the works, but finding the defenders obstinate, he stormed and carried them, burning every building within the stockade, excepting that of Mr. De-bartzch, which, however, was much injured.

"The affair occupied about one hour. The slaughter on the side of the patriots was very great. An individual states, that he saw upwards of 152 buried, and there remained many more; besides which a great many were killed in the buildings, and their bodies burnt. Their wounded were three hundred and odd."*

It is a fact, not mentioned in any of the reports of the time, that in the morning of the day in which this action took place, Colonel Wetherall sent word (by an old and apparently very respectable *habitant*, who, travelling in the direction of St. Charles, had fallen into the hands of the military in advancing), that if they would disperse to their respective homes before he reached that place, he pledged his word that no perquisition as to those who had rendezvoused there in arms should take place, and that all should be passed over and consigned to oblivion. No regard,

* If Mr. Brown's statement (see at the end of the Chapter) is correct, this must be greatly exaggerated.

however, being paid to his communication, vigorous action consequently became necessary.*

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Two 24-pounders had been mounted within the entrenchment upon which the attack was made. They were spiked by the captors, and cast into the Richelieu. Upwards of a hundred stand of arms also were taken and destroyed. The fort was well provisioned. The force assembled at the outset was said to have amounted to 1500, and many of them fought with a spirit worthy of better leaders, and of a better cause.

Mr. Brown, "the General commanding," is represented as having disappeared previous to the assault upon his fortifications. According to the prisoners, he rode off at the very first of the fire, telling the unfortunate men he had posted in the entrenchments, that he was going to bring up a reinforcement he had in reserve at a short distance, but was not afterwards seen nor heard of by them.† He effected his retreat into the state of Vermont, after much difficulty and suffering, sleeping out in the woods for several nights without shelter or fire, and under cold and heavy rains, and of which he afterwards gave a

* The following is a return of the killed and wounded of Her Majesty's troops:—

KILLED.			
	Sergt.	R. & F.	
The Royal Regiment.....	1	1	
66th Regiment.....	0	1	
	1	2	
WOUNDED SEVERELY. SLIGHTLY.			
	Sergt.	R. & F.	R. & F.
The Royal Regiment.....	0	8	7
66th Regiment.....	0	2	1
	0	10	8

† See his own narrative of the matter, at the end of this chapter, furnished me through Doctor Nelson since the above was written, and which I believe to be faithful.

Chap. well-written and very interesting, as well as humorous
 XXXIX report in the American newspapers.

1837. The re-entry of Lieut. Colonel Wetherall and his party into Montreal took place on the 29th November, in triumphal procession. The Volunteer Cavalry landed first, two of them bearing the liberty pole (column, as it was absurdly called,) erected at St. Charles at the late meeting of the six Counties, with its wooden tablet, whereon were incised the words, "A PAPINEAU PAR SES CONCITOYENS RECONNAISSANTS." The Artillery followed with, in addition to their own armament of two small guns taken at Point Olivier, on the Richelieu. After them rode the Commanding Officer, followed by the band of the Royals, then the infantry, the first company of whom escorted the prisoners, only thirty-two of whom had been retained, the rest of those taken at St. Charles having been restored to liberty. This most successful expedition, after the late signal failure at St. Denis, had of course an encouraging effect upon the loyal in all quarters, and that of depressing, in a corresponding degree, the opposite class.

But where was Mr. Papineau during these two lamentable acts in the political drama? He had, as previously mentioned, left Montreal and proceeded to St. Denis, where he became an inmate with Doctor W. Nelson, who received, with more than wonted hospitality, "the great man," as his superior, and one whom he and others, at the great agitation meeting at St. Ours on the 7th May preceding, solemnly declared before the whole world, "had been stamped by God to be a political chief,* the regenerator of a nation;" * * * * "endowed for this purpose with a force of mind and eloquence not to be sur-

* See the matter on this subject by Doctor Nelson, as well as the correspondence in French, relating to the difficulties between him and Mr. Papineau, from *La Minerve* and *L'Avenir* newspapers, at the end of the Chapter, and the note headed "MR. PAPINEAU."

passed ; a hatred of oppression ; a love of his country that neither promises nor threats can shake." Here he remained the Doctor's guest until the appearance of the troops on the morning of their visit to St. Denis, when it was deemed necessary, by the advice and particular desire, as Mr. Papineau and his friends assert, of Doctor Nelson, that he should, for various reasons, be a non-combatant, and withdraw from the scene of the approaching conflict, not only that "so precious a life" might not be endangered by the casualties of warfare, but that if circumstances, subsequently to an appeal to arms, should render negotiation with the government necessary and admissible, the task might devolve with the greater propriety upon him, as not having borne arms. This, however, has of late, though not until of late, (1848,) been positively denied by Dr. Nelson, who has at the same time, with singular asperity, accused Mr. Papineau of cowardly desertion on the occasion. Which of the parties, in the vehemence wherewith both assertion and denial are made in the public prints, particularly those of 1848, is most entitled to credit, it is difficult to determine.

Mr. Papineau accordingly retired to the parish of St. Hyacinthe, on the river Yamaska, where he remained until the affair between the troops under Lieut. Colonel Wetherall, and the patriots at St. Charles under Mr. Brown, took place. Immediately after this occurrence, he proceeded, under the guidance of some two or three faithful friends, to the eastern bank of the Richelieu, thence wending his way upwards to the nearest United States territory, travelling chiefly by night, through swamps half frozen, often up to the middle in water, narrowly escaping, on several occasions, parties on the outlook for him, and finally reaching Alberg, on Lake Champlain, whence he crossed over the Bay of Missisquoi to Swanton, in the state of Vermont, on the ice, through which

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Chap. he broke in, and was, with difficulty, saved by his attendants from drowning. He was, it need scarcely be
 xxxix
 1837. observed, received with the hospitality characteristic of the people of the United States, among whom he sought refuge, and was now finally become an exile, after years of labour and agitation for, as he no doubt deemed it, his country's good, and with the approbation of nine-tenths, if not the universality, of his compatriots of French origin. Mr. O'Callaghan steadily accompanied him, and was, in truth, his "*fidus Achates*."

In the unseemly altercations that have recently taken place in the public prints, as above alluded to, between Dr. Wolfred Nelson on the one side, and Mr. Papineau, or rather his friends, on the other, relating to the events of those times, the Doctor has not only accused his quondam chief and leader of cowardice, and of deserting him on the morning of the affair at St. Denis, but states also, as a fact, that Mr. Papineau, while at St. Denis, and his guest, drew up and signed a *Declaration of the independence of Lower Canada*, and in which he (Doctor Nelson) had concurred, and, together with six others, had signed, but that on learning the advance of the troops, Mr. Papineau destroyed it, with other papers.* Without

* The following are extracts from a letter addressed by Doctor Nelson to Mr. Papineau through the *Minerve* of 24th July, 1848.

" Vous ne rougisiez pas de dire que je suis un de ceux qui ont le plus contribué à amener les troubles de '37," mais ce ne fut pas à St. Denis où ils éclatèrent premièrement; et vous ne pourriez avec raison me rendre responsable des horreurs et de la dévastation, qui furent accomplies à St. Eustache, St. Benoît, et autres endroits où votre influence était toute puissante; non plus ai-je eu affaire avec la première lutte qui s'engagea dans le chemin de Longueuil, où un peloton de braves Canadiens, ayant en tête mon ami M. Bonaventure Viger, qui s'est si honorablement distingué en cette occasion, comme dans toutes celles où il se trouvait, arrachèrent à leurs vils conducteurs deux respectables citoyens M. Demaray et le Dr. Davignon. J'éprouve un plaisir infini en rendant hommage à ces braves patriotes dont l'abnégation et la générosité contrastent si honorablement pour eux et le pays avec votre égoïsme sans bornes.

questioning Doctor Nelson's veracity, it is not improbable that, in the excitement and bustle of the moment, he may have misapprehended the true purport of the document alluded to, which he considered a "Declaration of Independence." Mr. Papineau would scarcely, it may reasonably be supposed, have hazarded such a step at this juncture, and on his own responsibility, as it were, though approved by six of his associates, whatever he may have intended to propose at a convention of representatives at St. Hyacinthe on the Yamaska, or at St. Pie, which it was, no doubt, his purpose to convoke, had not the affair at St. Charles put an end to his hopes.

Mr. David Bourdages, one of those who signed this paper, states, in an affidavit to which his name

"J'ai invariablement assumé toute la responsabilité de mes actes : je ne fis jamais à votre manière à vous, qui, lâchement et avec malignité, voulez faire porter à d'autres le fardeau de vos *propres forfaits*. Si ce n'est pas vous-même en personne qui avez attiré tous les malheurs de cette époque infortunée, *c'est notre acquiescement à vos désirs et notre exécution de vos vœux*. Vous cherchez partout, afin de trouver d'autres à qui faire porter la responsabilité de vos démarches. Les morts mêmes ne sont pas exempts de votre contribution universelle.

"Véridique que vous êtes, vous décriez l'usage des armes; vous ne voulez point de violence; mais vous avez donc oublié les ordres que vous donniez à mon estimable ami, M. Geo. E. Cartier. Si la mémoire vous trompe, adressez-vous à ce monsieur, et il vous la rappellera, et alors, peut-être seriez-vous disposé d'user de fausses assertions et nier tous vos actes.

"Vous affirmez que vous ne désiriez pas d'autre fait de violence envers l'Angleterre, *"que de s'abstenir d'acheter ses effets et marchandises!"* Ne songiez-vous pas à quelques autres moyens, pour coërcer et renverser même ce pouvoir? pas d'autres mesures plus larges que celles-là, à mettre en œuvre? Vous répondrez non. Mais, mémoire perverse, auriez-vous donc oublié l'acte d'indépendance que vous avez rédigé chez moi, et au bas duquel vous, le premier, avez apposé votre signature, qui fut suivie de six autres, au nombre desquelles se trouvait la mienne; mais non pas comme vous, pour la renioir ensuite. Gardez-vous d'écarts dans votre réponse à cet allégué; peut-être vous souviendrez-vous qu'il y avait chez moi, ce soir-là, M. le Dr. Kimber, de Chambly, homme trop intègre pour éacher ses actes. Lui aussi a signé ce document, que vous

Chap. is subjoined, as published in the *Minerve* of the 21st
 xxxix August, 1848,—“ M. Papineau était à St. Denis
 1837. depuis plusieurs jours, avant la bataille, organisant avec le Docteur Nelson et les autres, les moyens de résistance. M. Papineau était considéré comme le chef du mouvement. Quelques jours avant la bataille, j'ai signé à St. Charles, à la demande de M. Papineau, un document pour convocation de délégués et déclaration d'indépendance. Quand j'ai signé, il n'y avait avant la mienne que les signatures de M. Papineau et du Docteur Nelson.” It consequently seems that the document was not in itself a declaration of independence, but only for a convocation of members of the Assembly or delegates, as a step preliminary to ulterior measures, including possibly a declaration of that nature contemplated by Mr. Papineau.

avez livré aux flammes à l'approche des troupes, ainsi que nombre d'autres papiers, afin qu'il fût impossible de découvrir aucun de vos faits, qui auraient pu vous compromettre.

“ N'est-il pas ridicule de vous entendre dire que vous vous êtes mis sous mes ordres à St. Denis, où vous avez cherché protection et vous êtes constitué subalterne, sous un homme, que vous reconnaissez maintenant pour “ *avoir été toujours un furieux, etc.* ” Expliquez-nous donc cette incohérence ? Mais si notre but eût été atteint, m'auriez-vous, avec votre *abnégation ordinaire*, laissé saisir les rênes et assumer le titre et jouir des privilèges de *président* ? Voyons, une fois, cédez-nous un peu de franchise ; vous disiez en vous-même : “ je me suis servi de toi et de tant d'autres, comme marchepied : vous avez à votre risque et à vos dépens remporté la victoire ; et moi, j'aurais cueilli tous les fruits et les lauriers de cette secousse : en un mot, j'aurais été le *Washington du Canada* ; ” et moi, je dirais, “ *vous n'auriez pas possédé un seul de ses attributs.* ” Puisque je suis sur ce sujet, je vous dirai, que vu votre conduite depuis 37, et étant maintenant convaincu de ce que vous avez *toujours été*, je suis entièrement désillusionné, ainsi que tant d'autres, sur votre compte. *C'est peut-être une faveur dont nous devons remercier Dieu que vos projets aient avorté, persuadé comme je le suis à présent que vous auriez gouverné avec une verge de fer, lorsqu'une fois on vous aurait revêtu des pouvoirs dont vous auriez fait usage en dictateur. Il y a tant de raison à présumer que tel aurait été le résultat de l'avènement au pouvoir d'un homme de votre trempe, que je ne songerai guère encore à l'établissement d'une république où nous aurions à encourir*

We are now to notice one of the tragical events, happily but few, which have left a stain upon this most ill-advised rebellion, the atrocious assassination of Lieutenant Weir, of Her Majesty's 32nd Regiment of Foot, who, having in the night of the 22nd of November fallen into the hands of the insurgents at St. Denis, was murdered in cool blood, while a helpless and pinioned prisoner, on the ensuing morning, about the same hour that the attack on the village by the troops commenced. The sad tale is told by Lieutenant T. S. Griffin, a brother officer in the same regiment, and who attended Colonel Gore, on his second expedition to St. Denis, as we are subsequently to detail.

"At St. Denis, on Monday morning, December 4th, a letter was given me," says Mr. Griffin, "re-

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tant de dangers, lorsque la victoire serait obtenue. Je ne m'exposerai à ces risques qu'en guise de pis-aller; lorsque la mère-patrie reviendra à son ancien système de gouvernement intolérable pour cette colonie. Dans ces circonstances seulement, vais-je m'exposer aux dangers et aux incertitudes d'avoir à notre tête UN TYRAN DE NOTRE PROPRE CREATION. Vous seul, vous ridiculisez notre système de gouvernement responsable; moi, j'en suis tout épris, j'en ai épousé les principes, et je le défendrai, car il comprend ce que vous et nous demandions alors. C'est ici justement ma position, mais vous qui avez des objets ultérieurs à atteindre, ne pouvez être content de rien. Eh bien! si, ni par vos talents, ni par vos promesses, ni par vos menaces, ici vous ne pouvez changer l'ordre de chose, existant, et surtout après tous vos efforts, vous convient-il de tenter de nouveau à exciter la méfiance, le trouble et une désorganisation générale? . . . Si vous détestez tant votre position, pourquoi demeurez-vous ici plus longtemps? Si tout le pays est satisfait des apparences actuelles, et veut accorder un temps rationnel aux nouveaux ministres pour faire preuve de leur capacité, convient-il à "un seul homme" de s'opposer à cette volonté universelle? L'histoire ne nous fournit aucun exemple d'un despotisme plus révoltant, que celui dont vous donnez des preuves si éclatantes."

In the correspondence on these matters that took place in the newspapers in 1848, we have the names of four of those who signed the supposed Declaration, viz., L. J. Papineau, David Bourdages, Wolfred Nelson, and F. Kimber.

It is to be observed, however, that Mr. Papineau did not himself take up the pen in his defence, leaving the vindication of his conduct entirely to his friends; and in this, perhaps, he acted wisely.

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ceived by the officer commanding, from a Monsieur Joseph Hubert, of St. Denis, written from the opposite village of St. Antoine, in which the writer stated, that from what information he had been enabled to gather from the inhabitants of St. Denis, previous to his departure, the body of the murdered officer, Lieutenant Weir, 32nd Regiment, would most likely be found on the shore of the river Richelieu, behind the house of a Madame Nyotte, where there was a small tannery. I read the letter to several of the villagers of St. Denis, who at once led me to the spot described in Monsieur Hubert's letter; and there, in the water of the Richelieu, at a depth of about two feet, I discovered a black mass covered with large stones, which kept it down; the stones being removed, a body, which was lying on its face, rose to the surface, and I immediately recognized it to be that of my murdered brother officer, poor Weir. Assistant Surgeon A. M'Gregor, 32nd Regiment, who was with me, then took charge of the body, and had it conveyed to a house, where a coffin was made for it, in order to remove it to Montreal for interment. Dr. M'Gregor's statement of the injuries inflicted on the body of Lieut. Weir is annexed.* The story of his

* "On the forehead, there was a sabre wound about four inches in length, running perpendicularly, which penetrated deep into the bone, and surrounding which there were several small wounds, as if done by a sharp pointed instrument.

"The back of the head was completely laid open—the scalp and bone reduced to a mass of small particles—the substance of the brain was beat into a mash, and pieces of skull and scalp were mingled with it, and on the sides of this opening were several wounds.

"On the left side of the neck, immediately below the bone of the ear, there were several sabre wounds about an inch in depth, which laid open the great blood vessels and the side of the windpipe; the wounds might be about four and a half inches in length. About the middle of the ear there was a sabre wound about an inch in depth and four inches in length, which divided the ear and left the whole of that side of the neck open.

"There were two wounds on the left side of the back, a little above the shoulder blade, about an inch in depth; also, a gun-shot

murder, as related to me by the few villagers we found in St. Denis, is as follows:—

“Lieut. Weir was sent by land, from Montreal to Sorel, at daylight on the morning of 22nd November, with despatches for the officer commanding at that post, directing him to have the two companies of the 66th Regiment, under his command, in readiness to meet a force which was to be sent from Montreal by steamboat, at 2 P. M. on the 22nd, under the command of Col. Gore, to arrest some individuals at St. Charles. The roads were so bad that Lieut. Weir, who travelled in a calèche, did not arrive at Sorel until half an hour after Col. Gore had arrived from Montreal, and marched off with his whole force to St. Charles *via* St. Denis. Finding this to be the case, Lieut. Weir hired a fresh calèche at Sorel, with a driver named La Vallée, (whose deposition has since been received,) and started to join the troops. There are two parallel roads to St. Denis, which converge four miles from St. Ours. By mistake Lieut. Weir took the lower road, (the troops having marched by the upper,) thus he passed beyond the troops on their line of march, without seeing them, and arrived at St. Denis about seven, A. M. His expression of surprise at not seeing any soldiers on his arrival at the village, was, I was told, the first intimation Dr. Nelson had that they were on their march in that direction. Preparations were then made to oppose their entrance into the village of St. Denis (where, in fact, no opposition had been expected); the result is known. Lieut. Weir was made

wound two inches below these wounds; the ball penetrated about half an inch below the surface.

“The fingers of both hands were hacked and split to pieces, as if done by an axe. Some of the fingers, more particularly those of the left hand, were so hacked, that on taking the body out of the water, pieces of them dropped off; and in the left groin there was a gun-shot wound—the ball lodged in the belly.

“A. M'GREGOR, Asst. Sur. 32nd Regt.”

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Chap. a prisoner and closely pinioned. When the attack
xxxix was commenced, he was ordered under a guard, con-
1837. sisting of Captain Jalbert, two men named Migneault,
 one named Lecour, and a driver, a lad named Augustin,
 in Dr. Nelson's wagon, to be taken to St. Charles.
 On arriving opposite Madame Nyotte's house, (already
 mentioned,) in the outskirts of the village, the bonds
 with which Lieut. Weir was fastened became so
 painful, and his hands so much swollen therefrom,
 that he insisted, as much as lay in his power, on
 their being loosened. This irritated his brutal
 guardians, and he jumped out of the wagon and
 sought refuge under it; he was then shot twice with
 pistols, which took effect in his back and groin, and
 stabbed with a sabre through the wheels of the wag-
 on, in various parts of the body; he was then
 dragged from beneath the wagon, by the straps
 which confined his arms, and finally butchered.

"F. J. GRIFFIN, Lieut. 32nd Regt."

The remains of this unfortunate young gentleman
 were interred at Montreal, on the 8th of December,
 with great pomp and solemnity, the Commander of
 the forces with his staff, the military of the garrison,
 and a vast concourse of citizens attending. Never
 was there a greater demonstration of public grief in
 that city than on this melancholy occasion.*

Another still more barbarous deed was perpetrated
 on the 28th November, on the person of an unfortu-
 nate inhabitant of St. John's, by the name of Char-

* It is said to have been by Dr. N's orders that Mr. Weir, after being
 made prisoner, was despatched under an escort for St. Charles, the
 head quarters of Mr. Brown, "the General commanding;" but the
 Doctor treated him with courtesy and kindness while in his keeping.
 It is reported of Doctor N——, that, after he himself was taken
 prisoner, on being told that some of the newspapers had vindicated
 him against the imputation of participating in this atrocious murder,
 he expressed his satisfaction at the circumstance, declaring that
 when he was informed of the inhuman act, he was as much con-
 cerned and horrified by it as any friend of Lieutenant Weir could
 possibly be.

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trand, a Canadian of French origin, who, it seems, had enrolled himself at this place as a loyal volunteer, a circumstance that gave offence to his compatriots. He left his residence in the forenoon of this day for l'Acadie, a distance of five or six miles, to collect, it was said, a small debt due him (a stone-mason by trade) by an inhabitant of that parish. On returning home in the afternoon, he was intercepted by some ten or twelve men, five of them with loaded muskets, and conducted to a small building hard by, used as a schoolhouse, where, after undergoing a mock trial by those who had arrested him, he was declared to be a spy, and sentenced to death as such. He was accordingly forthwith led out, tied to a tree, and mercilessly shot by the miscreants, who left the body attached to the tree by the rope with which they had pinioned him, and in which state it was found three or four days after. One ball had passed through his heart, and the several other marks shewed the deadly aim which his savage murderers had taken to accomplish their horrid purpose. One of those implicated in it came forward, by the advice, it was said, of his confessor, and gave the shocking details of the murder. At the first discharge, the unfortunate Chartrand received three wounds, but was not killed. Another of the party then stepped up and shot him dead. The alleged ringleader of this ruthless gang was tried for the murder, but in the contradictory nature of the evidence, aided also by the passions of the jurors, for in the excitement of the times it was impossible to impanel a perfectly dispassionate jury, he escaped on this occasion, though, as will be seen, an avenging Providence pursued him till the forfeiture of his crime was paid.

After the affair at St. Charles, it was deemed, by Sir John Colborne, necessary that a military force should re-visit St. Denis and other parts on the Richelieu, where the patriots had been in the as-

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Chap. cendant until Lieutenant Col. Wetherall's visit to the
 xxxix former place, and dispersion by him of the insurgents
 1837. assembled there, and the flight of Mr. Brown, the
 General commanding "the patriotic army." Colonel
 Gore accordingly embarked at Montreal on the 30th
 November for William Henry, with three companies
 of the 32nd Regiment, one of the 83rd, a detachment
 of Artillery, and a troop of the Volunteer Cavalry,
 in the steamers "John Bull" and "Varennnes." The
 Colonel reached St. Ours the same evening, where
 he quartered for the night, and marched early the
 ensuing morning, without opposition, for St. Denis,
 the theatre of his recent defeat. Doctor Wolfred
 Nelson finding, after the defeat of his friends at St.
 Charles, that his adherents had lost confidence in the
 cause, and were leaving him, and that it was likely
 he himself would become a captive, unless he imme-
 mediately made good his retreat to the neighbouring
 States, had abandoned his home and taken to flight,
 in the direction of Yamaska and the Eastern Town-
 ships, with the view of escaping by that route into
 the State of Vermont. He, however, as we shall see,
 was intercepted in his retreat, the trusty inhabitants of
 those loyal Townships being by this time armed,
 and on the outlook for the fugitives, who, it was
 thought, would take that direction. Here Colonel
 Gore recovered a howitzer, which he had, owing as
 we'll to the pressure from without, as to the bad
 roads, been obliged on his late visit to leave behind,
 with five wounded soldiers, who had been most care-
 fully attended to by Dr. Nelson, and who spoke in
 the warmest terms of his humanity and kindness to-
 wards them, certainly a redeeming trait amidst the
 grave errors in which the Doctor had allowed him-
 self to be involved, and which considerably contributed
 to soften the asperities of his kindred fellow-subjects
 of British origin towards him, who, in consideration of
 this circumstance, gave him, with characteristic gener-
 osity, credit, and have ever since borne it in mind. But

the troops remembering, and indignant at their late defeat, and, with the volunteers, who had accompanied them from Montreal, exasperated at the spectacle presented by the mangled remains of Lieut. Weir, inhumanly slain by the patriots—a young man of fortune and great promise, respected and beloved not only in his regiment, but by all who had known him—became insensible of discipline, and would know neither authority or control. The extensive buildings and distillery of Dr. Nelson, as well as the large stone house from which he and his party had fired upon the troops, and various other houses in the village of St. Denis were by the enraged soldiery and volunteers ruthlessly sacked, consigned to the flames, and reduced to a heap of smouldering ruins, contrary, however, to the wishes of Colonel Gore, as it has since been expressly stated on his behalf (and probably at his request) in the Legislative Assembly, (Session of 1849, during the debates on the famous Rebellion Losses Bill,) and which there seems to be no just cause to doubt.* The asseveration, at

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* The Hon. Henry John Boulton, who at the time (1849) when this measure (the Rebellion Losses Bill) was brought forward by the Lafontaine-Baldwin administration, had a seat in the Assembly as member for Norfolk, and supported the ministry (being seated through the influence of Mr. Baldwin), having in course of the vehement debates which arose on that subject, animadverted severely upon Colonel (now Major-General) Gore, for ordering the village of St. Denis, upon his second visit to that place, to be destroyed, Sir Allan MacNab, at the next sitting after that in which Mr. Boulton had spoken on the subject, formally and emphatically (*me teste*) denied that any such order had emanated from Colonel Gore. Indeed the well-known mild and humane disposition of General Gore will scarcely admit of the belief that he could have sanctioned so barbarous an act, even though smarting under the mortification he no doubt felt at the recollection of his previous defeat, by a handful of "rebels," at the same spot, a few days before. There are occasions where the passions of men become uncontrollable by human authority, and, unhappily, this was one of them. Casuists may determine who are morally responsible for the mischief—they who, "got up" the rebellion, which was here brought to a head, or those who put it down, I can only say—

"—en! quo discordia cives
produxit miseros * * *

Chap. least, has never been publicly refuted, in so far as
 xxxix my knowledge extends. The Colonel, after visiting
 1837. St. Charles and St. Hyacinthe, where he found all
 quiet, returned with the troops to Montreal on the
 7th December, bringing with them several prisoners
 and the remains of the unfortunate Weir.

The route of the "patriots" at St. Charles by
 Lieut. Colonel Wetherall, and the subsequent visit of
 Colonel Gore to the parishes on the Richelieu and
 Yamaska rivers, entirely extinguished their hopes
 in that quarter, (south of the St. Lawrence,) but
 there were large and formidable gatherings of them
 at St. Eustache and St. Benoit, north-west of Mon-
 treal. These were under the direction of Amury
 Girod, an alien adventurer, and, as alleged by some,
 a native of Switzerland, by others, of Louisiana, who
 had resided formerly at Quebec, patronized and en-
 couraged by several gentlemen of the city and neigh-
 bourhood, for his supposed practical science in agri-
 culture, in which he represented himself as an adept.
 Losing, after trial of his ability in this line, the con-
 fidence of his patrons, some of whom he managed to
 involve in considerable expense, he migrated to the
 district of Montreal, and located himself at Varennes,
 where, in addition to the pursuit of agriculture, he
 devoted himself also to the more promising business
 of political agitation, by which in due time he ac-
 quired the confidence of Mr. Papineau, who, accord-
 ing to Doctor Wolfred Nelson, invested him with the
 command of the patriotic forces north of Montreal,
 and a more worthless choice, by all accounts, he
 could not have made. Sir John Colborne was not
 disposed, however, to interfere with the insurgents
 in the north until he had completely subdued those
 to the south of Montreal, knowing that by being free
 to direct his whole force upon them, he could make a
 short affair of it. In the meantime, imagining them-
 selves more than a match for any force that could be

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realized by the loyal population of Montreal against them, they indulged in excesses of all sorts, plundering and maltreating the inhabitants of British origin in their neighbourhood, many of whom, to save their lives, were obliged to fly for refuge to Montreal, leaving their abodes, their cattle and granaries to the marauders under Girod, who, as Brown had done at St. Charles, laid violent hands upon these for the use of "the patriotic forces."

After the affairs at St. Denis and St. Charles, several of the fugitive patriots had, in the reverses they met with, betaken themselves to the border settlements in the neighbouring States of New York and Vermont, and in particular to Swanton, (Vermont,) a considerable village or county town on Missisquoi Bay, Lake Champlain, where they were daily receiving reinforcements of the disaffected from Canada, and busy in making preparations for an inroad upon the district of Montreal, being considerably encouraged in their nefarious purpose by the American population amidst whom they had taken refuge. Doctors Côte and Kimber, Messrs. Gagnon, R. S. M. Bouchette, and several others, were there, and although Messrs. Papineau, Nelson, Brown, O'Callaghan, and other leaders had failed and fled, they nevertheless exhorted each other into the idle conviction, that the achievement of Canadian independence was still practicable, and reserved for them, the best, the bravest, and most chivalrous of their countrymen. To the generous incentives of patriotism and of glory, the stimulating smiles of beauty were superadded, the ladies of Swanton patronizing the cause by preparing and presenting a beautiful set of colours to Doctor Côte and his associates.

The militia of the Townships in the County of Shefford, it is to be observed, had applied to Sir John Colborne for a supply of fire-arms, which were

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Chap. about this time expected; and it fortunately so hap-
 XXXIX pened that while they were on their way to the place
 1837. of destination, this band of patriots marched from
 Swanton on their projected invasion of Canada.* It
 was their intention, it seems, to have crossed the
 Richelieu with their artillery (a field piece) and
 ammunition, and proceed to l'Acadie, where their

* "At a public meeting of the magistrates, militia officers, and yeomanry of the township of Granby and County of Shefford, district of Montreal, held at Granby village, the 23rd of November, 1837, the following resolutions were proposed and adopted unanimously, by a numerous assembly from all parts of the township, the meeting having been first organized by the appointment of Richard Frost, Esquire, as President, and F. C. Gilmor, Esquire, as Secretary.

"1st Resolution.—That this meeting views with regret the disorganized state of the seigniorial part of this district, where a cowardly faction, under pretence of reform, are committing excesses of the most wanton and unprovoked nature, endeavoring by threats the most violent, to seduce the most loyal, and hitherto peaceable, inhabitants from their allegiance to Her Majesty.

"2nd Resolution.—That at this critical moment, it becomes the duty of every loyal and well-affected subject to stand forth and express his horror and disgust at the lawless proceedings of the faction aforesaid, and to declare his determination to defend the laws which have hitherto effectually protected our lives and property.

"3rd Resolution.—That an humble petition be presented to His Excellency, Sir John Colborne, Commander of the Forces, for a supply of arms and ammunition for this township, which we mutually pledge ourselves shall be employed in the defence of the Constitution and Government under which we have the happiness to live.

"4th Resolution.—That this meeting sympathizes with our loyal fellow-subjects scattered throughout the seigniorial parts of this district, many of whom have been obliged, by the threats and provocations of the faction, to throw themselves on our protection and are present at this meeting.

"5th Resolution.—That the following gentlemen, viz., Richard Frost, Elijah F. C. Gilmor, H. Lyman, and S. B. Door, be a Committee to address His Excellency Sir John Colborne, Commander of the Forces, with a copy of the resolutions, and to cause the result of this meeting to be published in such a manner as they may judge proper.

"Thanks having been voted the Chairman and Secretary, the meeting was dissolved.

"RICHARD FROST, Chairman.

"P. C. GILMOR, Secretary."

partizans were numerous, and ready to join them, and there, by making a stand, create a diversion in favor of the insurgents at St. Eustache. Others will have it, however, that they intended to move onward to Chateauguay, and crossing there the St. Lawrence, join Girod at St. Benoit, or Grand Brulé; probably both objects may have been contemplated. Be this as it may, the gallantry of the Missisquoi Volunteers defeated the intended purpose. The following good account of the dispersion of this party, and capture of some of its leaders, is given by Captain Kemp of the Volunteers, in an official despatch to Sir John Colborne :—

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“ FRELIGHSBURG, ST. ARMAND,
“ December 7, 1837.

“ SIR,—I have the honor to report for Your Excellency's information, that yesterday morning I left this, by a previous arrangement with Col. Knowlton, of Brome, in company with Captain Henry Baker of St. Armand, having under my command a body of Volunteers to the number of about fifty men, armed with such guns as could be collected, to form an escort to wagons, for conveying the arms and ammunition for Col. Knowlton's battalion from Philipsburgh. I had proceeded only a few miles on my way, when an express from Philipsburgh met me, with the information that a considerable body of rebels had passed through that village early in the morning to the State of Vermont, and were expected to return to burn it the same night.

“ I immediately despatched expresses in different directions to raise men, armed or unarmed, and bring them to Philipsburgh, where I had directions from Col. Knowlton to deal out the arms intended for his battalion, if necessary.

“ In consequence of certain information, I left the wagons four miles east of Philipsburgh, and struck through the woods so as to meet the loaded wagons,

Chap. at the head of Missisquoi Bay, in order to strengthen
xxxix the escort from Caldwell's Manor and St. Armand
1837. west. We then proceeded in company to Philips-
burgh and reached it at half-past four, P. M., where
I found men assembled and assembling from different
points, and that scouts had come in from Swanton
in the State of Vermont, with the information, that
a large body of men, well equipped, and having with
them two pieces of cannon, had taken up their line
of march for this Province.

"In this emergency orders were issued to supply
the men with muskets and ammunition from the
wagons, and at six o'clock, a position was taken
half a mile south of the village, on the west road
leading to Swanton.

"We had occupied this position nearly two hours
in expectation of the enemy, when positive informa-
tion came in, that they had taken the east road lead-
ing to Swanton, and that they were within three
miles of the village.

"I instantly ordered a strong guard to remain on
the west road, and marched to a position two miles
and a half east of the village, and drew up my men
on a height to the left, commanding the highway at
the intersection of the Swanton road, leading north
and south, with the St. Armand road, leading east
and west, where I found the pickets and advanced
guard had retired unperceived before the enemy,
who were two hundred strong.

"The force under my command amounted to
about three hundred men, but before it was possible
for me to reduce them to order, the van of my line
had commenced firing without command.

"To a Commander of your experience, I need
hardly apologize for the impetuosity of an undisci-
plined body, hastily taken away from their farming
occupations, and placed in sight of an enemy, only a
few hours after arms had been placed in their hands.

This premature fire was instantly returned by the rebels, and firing was kept up on both sides for about ten or fifteen minutes, when the enemy retreated back towards the State of Vermont, leaving behind them one dead, two wounded, and three prisoners.

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"One of the wounded is Robert Shore Milnes Bouchette, of Quebec, who led the advanced guard of the rebels, and is severely hurt. The other is slightly wounded, and reports himself to be a nephew of Julien Gagnon, of St. Valentin in l'Acadie, *habitant*, the leader of the party. They left also two pieces of cannon mounted on carriages, five kegs of gunpowder, six boxes of ball cartridge, and seventy muskets, part of them in boxes, and two standards. From the undisciplined state of the loyalists, the darkness of the night, it being nine o'clock, the vicinity to the woods, the rest of the party made their escape. The vicinity to the province-line was also in favour of their escape, for the universal feeling throughout this part of the border is, that not a man shall cross the border armed, even in pursuit of invaders from the other side, so that to any demands made by Your Excellency or the Governor in Chief, an answer cannot with truth be made by the General or State Governments of the United States, that the people of the Province have done any thing contrary to the treaties existing between that country and Great Britain.

"O. J. KEMP, Captain.

"To His Excellency Sir J. Colborne."*

* "FRELIGHSBURG, ST. ARMAND, Dec. 7, 1837.

"SIR,—I have the honor to report, that on reaching Isle aux Noix, with the arms furnished for the Shefford Volunteers, I deemed it advisable, before removing them from that station, to proceed forward in order to establish relays of carriages, with sufficient escorts, for transporting them to the County of Shefford; immediately on procuring which, I gave orders for their removal *via* Caldwell's Manor; and carriages set forward yesterday, simultaneously, from Caldwell's Manor, Philipsburgh in St. Armand, on Missisquoi Bay, and Frelighsburg, while I pushed on from Frelighsburg to Brome, to bring wagons thence, so that no delay might

Chap. This put an end to the patriotic warfare on the
xxxix south side of the St. Lawrence, and Sir John Col-

1837. take place ; but knowing the almost destitution of Missisquoi, as to arms and ammunition, had given directions that the arms for my battalion should be sent in case of an attack by the rebels.

"On returning to Philipsburgh this morning about six o'clock, I found that an engagement had taken place yesterday evening at 9 o'clock, about two miles and a half east of that village, between the loyalists, forming the escort under Captain Oren J. Kemp, and a large body of rebels, (under a Mr. Julien Gagnon, of St. Valentin in l'Acadie,) who had embodied in Swanton, in the State of Vermont. The enemy were driven back by the loyalists, with one man killed, number wounded unknown, and five prisoners, one of whom, R. S. M. Bouchette, of Quebec, is severely wounded, and one very slightly. The loyalists also captured two pieces of cannon, about forty stand of arms, five kegs of gunpowder, and six boxes of ball cartridge, with two flags. The muskets captured are apparently of the kind used in the American army during the last war. The rebels were about two hundred, and the loyalists three hundred strong. Of the loyalists not one man was hurt. The enemy retreated into the state of Vermont, by the road they came.

"I have the honor to be, &c.,

"P. H. KNOWLTON,

"Colonel of Shefford Volunteers.

"To His Excellency

"Lieut. Gen. Sir John Colborne, &c., &c., &c."

It was said that Mr. R. S. M. Bouchette had made, on his march at the head of this band into the Province, many truculent threats against the inhabitants, in case they should oppose him in his progress. Whether he really did so, I have not been able to ascertain correctly; but in times like these, when the minds of men are excited to madness, as it were, there would be nothing extraordinary in it if it were the fact. It having, however, been reported that this gentleman had, upon his capture, been ill-treated, in consequence of his threats on that occasion, the following is his own statement, as subsequently published in the papers. R. C.

"This is to certify to all to whom it may concern, that I, the undersigned, ever since my capture as a prisoner by the volunteers of Missisquoi Bay, on the 6th instant, have been treated with every degree of humanity and care, and have had my wounds regularly dressed, first by the captors at the house of Mr. Hiram Moore, afterwards at Isle aux Noix, and subsequently in the Montreal Gaol, where I am now detained. From Mr. P. H. Moore, Mr. Bertram, Mr. Lewis, and particularly from Mrs. H. Moore herself, I received the greatest kindness, the latter having herself dressed my wound, nor was any thing forcibly or clandestinely taken from me. Since my detention in prison, an equal measure of humanity and attention has been extended to me, for which I most gratefully give my acknowledgments.

"R. S. M. BOUCHETTE.

borne accordingly issued the General Order below ; * but he had, however, still a serious account to settle with the insurgents in his rear, north of Montreal.

We are now to recede a little in date, to notice the

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" Written and signed in my presence, this 22nd day of December, 1837.

" R. DE ST. OURS,
" Sheriff of the District of Montreal."

* " HEAD QUARTERS,
" MONTREAL, December 12, 1837.

" The active service in which the troops have been suddenly engaged, since the outbreak of an organized and extensive revolt in this Province, has hitherto prevented the Lieutenant General commanding from expressing his satisfaction at the conduct and zealous exertions of the troops in the Montreal district under his command, but His Excellency is persuaded that at no period has the energy and activity of the British army been more conspicuous than in the severity of marches which have been lately accomplished, although the unfavorable state of the weather, and the almost impracticable state of the roads, prevented the force under the command of the Hon. Col. Gore from entering the village of St. Denis, on the first appearance of the revolt. The success which has since attended the exertions of that officer and the force under his command, and the capture of arms and ammunition, has had the effect of restoring order and tranquillity to that section of the country.

" The zeal and energy evinced by Lieutenant Colonel Hughes, 24th Regiment, under whose immediate command the force proceeded to St. Denis, has been brought under the notice of the Lieutenant General commanding, as well as the gallantry displayed by Captain Markham, 32nd Regiment, who was severely wounded in the attack. The attack upon the enemies' fortified position at St. Charles, so ably conducted by Colonel Wetherall, and so gallantly executed by himself and the force under his command, consisting of the Royal Regiment, a detachment of the Royal Artillery and 66th Regiment, and the Montreal Cavalry, led to the complete defeat of the enemy, and has essentially contributed to put down revolts on the Richelieu. Lient. Colonel Wetherall speaks most favourably of the conduct of Major Ward, of the Royal Regiment, Captain Glasgow, Royal Artillery, and Captain David, Montreal Cavalry, on this occasion.

" The service upon which the troops have lately been engaged, has been greatly facilitated by the spirited and unparalleled exertions of the Volunteer Corps of Montreal, some of which had only been embodied within the last fortnight, and His Excellency trusts that the same energy, forbearance and discipline which has characterized the troops in general, will speedily put an end to the deplorable warfare in which they are engaged."

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Chap. proceedings of the Government amidst the difficulties
 xxxix in which it had, in great measure by its temporizing
 1837. policy, involved itself, and brought so much distress
 upon the country. Lord Gosford, whose benevolence
 and hospitality were unbounded, confiding in the
 conciliatory policy he had come to cultivate and in-
 culcate, could not be persuaded that matters ever
 would come to the pass in which he now found them.
 Of the first occurrence in which fire-arms were used
 against the constituted authorities, the rescue of
 Messrs. Davignon and Demaray near the village of
 Longueuil, he made exceedingly light, considering it
 rather in the character of a joke than of a serious
 matter, inferior, as he is said to have observed, to
 many a scuffle he himself had witnessed at an Irish
 fair. He, however, found it necessary, now that a
 rebellion had actually broke out, and that the laws
 of the land and the Sovereign's authority were set at
 naught, to issue a Proclamation, and the following
 accordingly appeared on the 29th November in the
Gazette :—

“ A PROCLAMATION !

“Whereas in certain counties of the district of
 Montreal, disaffection to the Government of our
 Gracious Sovereign, Queen Victoria, has unequivocally
 declared itself, and divers outrages upon the
 persons and properties of Her Majesty's loyal sub-
 jects have been recently perpetrated therein. And
 whereas prisoners arrested on charge of High Treason
 have been rescued from the hands of Justice, and
 the troops of Her Majesty, in the lawful discharge
 of their duty, while aiding the civil authorities, have
 been assailed and fired upon by bands of armed
 peasantry. And whereas it is notorious that the
 present blind and fatal excitement in that district,
 is to be attributed to the machinations of a few evil-
 minded and designing men, who have imposed upon
 the credulity of an unsuspecting peasantry, and by

plausible misrepresentation and wilful calumny, by practising upon their fears and inflaming their passions, by appealing to national distinctions, and exciting political prejudices, which it has been the unabated endeavour of the British Government to extinguish, have at length succeeded in implicating a part of a hitherto peaceable and loyal population in the first excesses of a reckless and hopeless revolt. As the Representative of our Most Gracious Sovereign, I now most solemnly address myself to the inhabitants of this Province, but more especially to the misguided and inconsiderate population on the River Richelieu in the district of Montreal. I address myself to your good sense and to your personal experience of the benefits you have received and of the tranquillity you have so long enjoyed under the British Government. You possess the religion, the language, the laws and the institutions guaranteed to you nearly seventy years since. You know not the burthen of taxes. The expense of your military defence is defrayed by Great Britain. The prosperity and happiness which have hitherto pervaded this Province, proclaim honorably and undeniably the political wisdom which watches over your safety, encourages your commerce, and fosters your rising industry. The spontaneous confidence of the British Parliament bestowed on you a Constitution. Your representatives complained of grievances: their complaints were promptly and fully investigated; grievances which were proved to exist were removed at once; redress the most ample, but unavoidably gradual, was unreservedly promised, and up to this moment that promise has been scrupulously observed. But the demands of your leaders are insatiable, the language of reform has speciously concealed the designs of revolution. I have thus far deemed it my duty to explain the injustice and inadmissibility of the objects for which your leaders contend, and for

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Chap. the attainment of which they would wantonly sacrifice you and your families. The traitorous designs of these political agitators have been at length unmasked. I now therefore call upon those who have been thus far deluded, to listen to the language of reason, sincerity and truth. Listen to the exhortations of your respectable and trustworthy Clergy. Listen to the representations of those worthy and loyal proprietors, whose interests are identified with your own, and whose prosperity, in common with yours, must ever be graduated and governed by the internal tranquillity of this Province. Return to that allegiance to your Sovereign which you have now for the first time violated, and to that obedience to the law which you have hitherto invariably maintained. Spurn from you your insidious advisers. Reject with abhorrence their self-interested and treasonable counsels. Leave them to that retribution which inevitably awaits them. Retire to your homes and to the bosoms of your families: rest assured that a powerful and merciful Government is more desirous to forget than to resent injuries, and that within that sanctuary you will experience no molestation. And further, by and with the advice and consent of Her Majesty's Executive Council of and for the Province of Lower Canada, I, the said Archibald, Earl of Gosford, do hereby call upon all Her Majesty's loyal subjects in this Province, to be prepared at all times to maintain against all aggressors the authority of our Sovereign Lady the Queen, and to counteract the rebellious designs of the disaffected in this Province. The dearest rights and privileges of British subjects, their laws and institutions, have been audaciously assailed. They will remember that those sentiments of loyalty and honor which were the pride of their forefathers, are the inheritance of their children; and in defending their allegiance to their Gracious Queen, and the connexion which has so long existed between

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this favored colony and Great Britain, they will rush forward as one man to prove their gratitude for the blessings they enjoy, and their unswerving determination to maintain them unimpaired."

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Immediately after the appearance of this Proclamation, Messrs. Leslie and Lafontaine arriving by steamer from Montreal, waited upon His Excellency to suggest, as it was said, the propriety of an immediate convocation of the Legislature. He did not think proper, however, to act upon their suggestion, apprehending, perhaps, from his past experience of the spirit of the Assembly, that they would rather be inclined still further to embarrass than to help him through his difficulties, the leading members of the body being actually at the head of the rebellion. Mr. Leslie returned to Montreal, but Mr. Lafontaine proceeded from Quebec, by the Kennebec road, to the United States, and there embarking, he safely reached England, and spent a part of the winter in London, and the remainder in Paris, visiting also, it was said, other parts of the continent before his return to Canada, thus avoiding the troubles by which it was agitated, and to which he had contributed his full share.

On the 5th December, His Excellency issued a Proclamation declaring Martial Law in force in the district of Montreal, having previously, by Proclamations, offered large rewards for the apprehension of Mr. Papineau and divers others, charged with the crime of High Treason, who had taken to flight.*

* "The cry which has been raised—why are not rewards offered for the apprehension of the Traitors? is now we hope satisfied. It will be seen by the following Proclamations that a price has been set upon the head of every one of them, and that, such as to insure their being delivered up to justice if they are still within the precincts of the Province. The Proclamations were first printed in Montreal, and we understand were distributed along the frontier before they were published in that city, the more certainly to effect their purpose. They will be found below; that for the apprehen-

Chap. A reward of £500 was offered for the apprehension
 xxxix of the murderer or murderers of Lieutenant George
 1837. Weir, and £300 for those, or any one of them, who
 had murdered Joseph Chartrand, late of the parish
 of St. Johns, district of Montreal, and described as
 "private in a company of volunteers in that parish."

Several of those for whom rewards were offered, were on different occasions captured and brought into Montreal; but he who of all concerned in those unhappy disturbances had been most prominent, yet in his capture found the most sympathy among the British population, with whose avowed enemies he had arrayed himself against his kindred fellow-sub-

sion of Papineau in full, the others in substance."—*Quebec Mercury*, 7th December, 1837.

"4,000 DOLLARS REWARD!

"GOSFORD.

"Province of Lower Canada.

"His Excellency the Right Honorable ARCHIBALD, EARL OF GOSFORD, Baron Worlingham of Beeches, in the County of Suffolk, Captain General and Governor in Chief in and over the Provinces of Upper and Lower Canada, Vice Admiral of the same, and one of Her Majesty's Most Honorable Privy Council, &c., &c., &c.

"Whereas, by information upon oath, it appears that Louis Joseph Papineau, of the City of Montreal, Esquire, is charged with the crime of High Treason; and whereas the said Louis Joseph Papineau has withdrawn himself from his usual place of resort, and there is reason to believe has fled from justice; and whereas it is expedient and necessary, for the due administration of justice, and for the security of Her Majesty's Government in this Province, that so great an offence should not escape unpunished. Now, therefore, know ye, that I, the said Archibald Earl of Gosford, by the advice of Her Majesty's Executive Council of this Province, have thought fit to issue this Proclamation, and I do hereby require and command all Her Majesty's loving subjects in this Province to discover, take, and apprehend the said Louis Joseph Papineau wherever he may be found therein, and carry him before a Justice assigned to keep the Peace, or Chief Magistrate, in either of the cities of Quebec or Montreal aforesaid; and for the encouragement of all persons to be diligent in endeavouring to discover and apprehend the said Louis Joseph Papineau, and who shall bring him before such Justice assigned to keep the Peace, or Magistrate aforesaid, I do hereby

jects of British origin in this most unnecessary and hopeless rebellion, was the brave and humane, but unhappy, Wolfred Nelson,—unhappy in being the first to unfurl the standard of rebellion, raise a parricidal arm against the laws and Sovereign of his country, and to shed the blood of his fellow-subjects in civil warfare, at a moment, too, when the wrongs, real or imaginary, of the country were undergoing investigation and in process of redress by the authorities of the Empire, with an earnestness and sincerity that could not admit of a doubt. After the route at St. Charles, finding his associates disheartened and falling off, he determined upon seeking

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offer a reward of one thousand pounds current money of this Province, to whomsoever shall so apprehend the said Louis Joseph Papineau and deliver him up to Justice.

“ Given under my and Hand Seal at Arms, at the Castle of Saint Lewis, in the City of Quebec, the first day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the first year of Her Majesty's reign.

“ By His Excellency's command,

“ D. DALY,

“ Secretary of the Province.”

“ A similar Proclamation, dated Quebec, 29th November, 1837, states, that ‘Whereas, by information upon oath, it appears that Dr. Wolfred Nelson, of St. Denis, in the county of Richelieu; Thomas Storow Brown, of the city and county of Montreal; Edmund B. O'Callaghan, of the same place, M. P. P.; Cyrile Hector O. Côte, of Napierville, in the county of l'Acadie, M. P. P.; Joseph Touissant Drolet, of St. Marc, in the county of Verchères, M. P. P.; Joseph J. Girouard, of St. Benoit, in the county of Two Mountains, M. P. P.; William Henry Scott, of St. Eustache, in the same county, M. P. P.; Edward Etienne Rodier, of the city and county of Montreal, M. P. P.; Amury Girod, an alien, and Jean O. Chenier, of the county of Two Mountains, are severally and respectively charged with the crime of High Treason, a reward of five hundred pounds, current money of this Province, is offered to whomsoever shall so apprehend any one of the said above-named individuals, and deliver him up to justice.’

“ A reward of 400 Dollars is also offered for the apprehension of the following individuals:

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refuge in the neighbouring republic; and accordingly, taking leave, in dejection and in grief, of his family and a home endeared to him by domestic happiness during many years, and of those neighbours amidst whom from boyhood he had dwelt, and whose esteem he enjoyed to veneration, he bent his way, accompanied by a guide or two, through the Eastern Townships, pursuing bye-ways, and occasionally striking through the woods, to avoid as much as possible the settlements and haunts of men. The population of the whole frontier was by this time up and on the outlook for the fugitive patriots, who, it was thought, would most probably, in considerable numbers, take

“ Pierre Paul Demaray, of St. Johns; Joseph François Davignon, of St. Johns; Julien Gagnon, of l'Acadie, Pierre Amiot, of Verchères; Louis Perrault, of Montreal; Alphonse Gauvin, of Montreal; Louis Gauthier, of Montreal; Rodolphe DesRivières, of Montreal.”

“ MARTIAL LAW.

“ GOSFORD.

“ Province of Lower Canada.

“ By His Excellency the Right Honorable ARCHIBALD, EARL OF GOSFORD, Baron Worlingham of Beeches, in the County of Suffolk, Captain General and Governor in Chief in and over the Provinces of Upper and Lower Canada, Vice Admiral of the same, and one of Her Majesty's Most Honorable Privy Council, &c., &c., &c.

“ A PROCLAMATION!

“ Whereas there exists in the district of Montreal a traitorous conspiracy by a number of persons falsely styling themselves patriots, for the subversion of the authority of Her Majesty, and the destruction of the established Constitution and Government of the said Province; And whereas the said traitorous conspiracy hath broken out into acts of the most daring and open rebellion; And whereas the said rebellion hath very considerably extended itself, insomuch that large bodies of armed Traitors have openly arrayed themselves, and have made and do still make attacks upon Her Majesty's forces, and have committed the most horrid excesses and cruelties; And whereas in the parts of the said district in which the said conspiracy hath not as yet broken out into open rebellion, large numbers of such persons so calling themselves patriots, for the execution of such their wicked designs, have planned means of open violence, and formed public arrangements for raising and

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that route to secure their retreat. He was not heard of for some days, and it was believed that he had effected his escape, and reached Vermont, or New Hampshire, in safety. He was taken, however, on the morning of the 12th December, in the Township of Stukely, by a small party (four) of Col. Knowlton's militia, and handed over by them to a detachment of Missisquoi Volunteers. He was exhausted by anxiety, cold, hunger and fatigue, having, during the seven preceding nights, slept out, exposed to the inclemency of the season, without other covering than the woods, and rarely with fire to prevent himself from freezing while endeavouring to obtain rest—of

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arming; an organized and disciplined force, and in furtherance of their purposes have frequently assembled in great numbers; And whereas the exertions of the civil power are ineffectual for the suppression of the aforesaid traitorous and wicked conspiracy and rebellion, and for the protection of the lives and properties of Her Majesty's loyal subjects; And whereas the Courts of Justice in the said district of Montreal have virtually ceased, from the impossibility of executing any legal process or warrant of arrest therein.

"Now, therefore, I, Archibald, Earl of Gosford, Governor in and over the said Province of Lower Canada, by and with the advice and consent of Her Majesty's Executive Council for this Province, have issued orders to Lieut. General Sir John Colborne, commanding Her Majesty's forces in the said Province, and other Officers of Her Majesty's forces in the same, to arrest and punish all persons acting, aiding, or in any manner assisting in the said conspiracy and rebellion which now exist within the said District of Montreal, and which have broken out in the most daring and violent attacks upon Her Majesty's forces, according to Martial Law, either by DEATH, or otherwise, as to them shall seem right and expedient, for the punishment and suppression of all rebels in the said district; of which all Her Majesty's subjects in this Province are hereby required to take notice.

"Given under my Hand and Seal at Arms, at the Castle of Saint Lewis, in the City of Quebec, the fifth day of December, in the year of our Lord one thousand eight hundred and thirty-seven, and in the first year of Her Majesty's reign.

"By His Excellency's Command,

"D. DALY,

"Secretary of the Province."

Chap. itself enough to overcome the most robust constitution—and was so reduced as to be an object of commiseration and sympathy to his captors, who, as he has frequently since acknowledged, treated him with humanity and kindness. His only attendants were a Canadian by the name of Celestin Parent, and an Indian whom he had met with on the road, and taken as his guide. They were conveyed to Montreal, and committed to gaol, where there were by this time hundreds in confinement, many of them, there is reason to believe, arbitrarily and unjustly, from suspicion only. But this was an evil inseparable from the state of civil war in which the country,

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“We will here,” observes the *Quebec Mercury*, “avail ourselves of the concise explanation of what Martial Law is, as given in the *Gazette* of last night:—

“Many of our friends are asking us, what is Martial Law? We think it must be something like the *Law of Parliament*, of which the judges said ‘it is above us.’ We believe, however, that the essence of it is *obedience to orders*, the punishment for disobedience being much at the discretion of a Court Martial.”

“We will also copy in this place the following notice of Martial Law and its exercise in this Province, from the same source:—

“This is the third time that we have Martial Law in Canada, under the British Government; first, immediately after the Conquest in 1759 and 1760, next during the American Revolutionary war in 1775-6, and now. Doubts have been entertained of the right of the Crown to enforce Martial Law in the Province. We presume, however, it would not be wise to question its legality where it is established. In point of fact, it has been introduced by those who have been nearly a month in arms against their Sovereign.

“Martial Law in this Province, exercised by those who derive their authority from the British Crown, is not liable to the abuses with which it is accompanied in independent States: the South American Republics for example. We are *dependent*, and so are those who govern us. They are responsible in the Courts of Law in England, where justice has been longer administered with purity and impartiality than in any other country, and where the highest of the King’s subjects are liable to imprisonment and trial before an independent and enlightened tribunal.”

after an agitation of thirty years, was now involved.*

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The Banks at Montreal transferred, before the close of the navigation, their specie to Quebec, and deposited it for safe keeping in the citadel, as did also the Banks in this city. When, as the autumn advanced, it became evident that the patriots, confiding in their numbers and unanimity, were bent upon an outbreak, the troops in New Brunswick and Nova Scotia were ordered to hold themselves in readiness to march up overland to Quebec. Accordingly, upon the affair at St. Denis, they were put in motion, the 34th and 43rd Regiments of foot in New Brunswick marching, by divisions, for the Great Falls on the St. John, and thence through the Madawaska portage, 120 miles of uninhabited country, covered three or four feet deep with snow, to St. André on the St. Lawrence, and from this place, as many miles more, through a populous country, suspected of sympathizing with the patriots, to Quebec, accompanied with field pieces on their march, in order to make an effectual stand in case of an attempt to intercept their route, as it was expected there would be, and there is cause to believe was, in fact, intended, but frustrated by the precautions taken to defeat it. The

* The following list of prisoners was the first that appeared in the public prints:—

André Ouimet, Amable Simard, George DeBoucherville, Chas. A. Leblanc, Jean Dubuc, François Tavernier, Jn. Frans. Bossu Lionais, Louis Michel Viger, Narcisse Lamotte, André Laeroix, A. E. Bardy, Joseph Baugrette, Dominique Lavallée, Louis Monjeau, junr., Louis Monjeau, senr., Joseph Ménard, Joseph Pepin, Augustus Blanchette, Ambroise Choquette, Antoine Forté, François Hebert, Toussaint Beauvuloir, Pierre L'Heureux, Felix Beaulac, Pierre Legros, Narcisse Sabourier, Joseph Thillé, Eusebe Durocher, Jacob Veaudry, Jean Bte. Leduc, Olivier Lussier, Joseph Daigneau, Gédéon Plante, Joseph Bellemar, Charles Martin, Pierre Lussier, François Larose, François Bachant, François Lemire, Toussaint Lachapelle, Joseph Fortin, Constant Anthier, Hubert Raineau, Louis Chicou Duvert, Antoine Barsaloue, C. S. Cherrier, Toussaint Pelletier.

Chap. right wing of the 85th Regiment, under Lieutenant
 xxxix Colonel Mansell, left Halifax on the 6th November,
 1837. *via* Windsor, 45 miles from that town, embarking at
 the latter place for St. Johns, New Brunswick, where
 they landed a few days after, and immediately pro-
 ceeded for Quebec. This winter march by those
 three regiments, who in their progress through New
 Brunswick were every where, by the inhabitants
 universally, well received, cheered, and assisted on-
 ward, was performed without the least casualty. It
 is due to the inhabitants of the parishes between St.
 André and Quebec through which the troops had
 to pass on their progress hither, also to state, that,
 notwithstanding the apprehension and distrust enter-
 tained of their disposition and fidelity towards the
 Government, by reason of the disaffection so generally
 diffused throughout the Province, every mark of
 loyalty and attention to their convenience, comfort and
 progress that could be desired, was uniformly shewn
 them. Nothing, indeed, could exceed the hospitality
 everywhere signally manifested towards the soldiery
 by the French Canadian yeomanry, (*habitants*,) on the
 whole route from St. André to Quebec, a virtue which
 has at all times been characteristic of this kind and
 moral people. The first division of the 43rd Regiment,
 from New Brunswick, crossed from Pointe Levi to
 Quebec on the 28th December. The second division
 reached Pointe Levi on the 30th December, those of
 the two other Regiments, the 34th and 85th, follow-
 ing in succession at short intervals. The navigation
 of the St. Lawrence between Quebec and Montreal
 this season, providentially for the loyalists, remained
 open until the 10th December, an unusually late
 period, by reason whereof the Government was ena-
 bled to forward military stores and supplies to Mon-
 treal by water, which otherwise could not, perhaps,
 have been conveyed in safety thither from Quebec.

The failure of the patriotic cause at St. Charles,

and the likelihood of its speedy total suppressal, now Chap. began to produce some "loyal manifestations," as xxxix they were termed, from the French Canadian population. Quebec, where the glow of exultation at Colonel Gore's defeat and retreat from St. Denis had been manifest on every patriotic visage for a short season, was, nevertheless, the first, it seems, to set the example. An address from the inhabitants of the suburbs St. Roch, signed by 700 individuals, was presented, on the 4th December, to Lord Gosford, in the terms following:— 1837.

"To His Excellency, &c., &c.

"We, the undersigned, Her Majesty's faithful and loyal subjects, inhabitants of the city and county of Quebec, believe that it is our duty, in the critical circumstances in which this Province is placed, most respectfully to approach Your Excellency, to assure you of our inviolable attachment to Her Majesty's Government, and our determination to maintain unimpaired the rights and privileges, institutions and laws which we enjoy under the protection of the British Crown; and at the same time to deplore the conduct of a portion of our countrymen who have suffered themselves to be led to the commission of acts subversive of the law and the public peace; and we also express the hope and wish that the paternal exhortations contained in Your Excellency's Proclamation of the 29th November last, may produce the effect of bringing back those who have gone astray, as well by a sense of duty as gratitude for the generous oblivion which Your Excellency has promised them. This disposition to indulgence to our countrymen, for which we express our grateful acknowledgments to Your Excellency, affords us an assurance that the high functions with which Your Excellency is invested, will not fail to be exercised towards all,

Chap. so as to temper the rigour of the law in so far as the
xxxix interests of the empire will permit.

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"We submit the foregoing declarations with the greater confidence, as we find in Your Excellency's Proclamation before referred to, grounds of hope that those grievances of which the country has complained, which have not yet been removed, will be gradually redressed.

"We further pray that Your Excellency would be pleased to cause to be laid at the foot of the Throne, this expression of our sentiments towards Her Majesty's Government.

"With these sentiments and hopes, we shall ever pray for Your Excellency's happiness."

To this His Excellency answered:—

"GENTLEMEN,—I cannot receive but with pleasure, at a conjuncture like the present, this public avowal of your loyalty towards our Most Gracious Queen, and of your attachment to the connexion so advantageously subsisting between this Province and the British Empire.

"While deploring with you, as I do most deeply and sincerely, the criminal acts that have led to the calamitous and desolating scenes which have so recently taken place in another district, it is to me a source of great satisfaction to know that so large and respectable a portion of the urban population of this district, disapprove and disavow the illegal conduct and proceedings of the authors of such acts, and are resolved zealously to second the firm determination of the Executive Government to restore and maintain, by every means at their disposal, the public tranquillity, and that harmony and good feeling between all classes of Her Majesty's subjects so indispensable to their happiness and prosperity.

"By cultivating and widely disseminating the sentiments and principles which you have this day

spontaneously come forward to declare, you will best advance the objects that all true friends of the community must have at heart ; and be assured that the only real security that society possesses against the horrors and miseries inseparable from intestine commotion, is a ready and respectful obedience to the laws."

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The Constitutional Association of Montreal issued on the 13th December the following Address :—

" ADDRESS OF THE CONSTITUTIONAL ASSOCIATION OF
THE CITY OF MONTREAL TO THE INHABITANTS
OF THE SISTER COLONIES.

" When sedition and rebellion have boldly proclaimed themselves, in the most populous and prosperous portions of this once contented and apparently loyal Province, and when anarchy and confusion have set the laws at defiance, and outraged the harmony and quiet of social life, the question naturally arises, to what circumstances of oppression, or to what unredressed grievances such a calamitous state of things is to be ascribed.

" The Constitutional Association of this city, has undertaken the important duty of answering the enquiry, and of explaining to the inhabitants of our Sister Colonies, as succinctly as the nature of the subject will admit, the real cause of the discontent which has called into being the active disturbances at present, most unhappily, and at the same time most unjustifiably, existing in Lower Canada.

" At the conquest of the Province of Quebec by the British arms, the greater proportion of its inhabitants chose to remain in the Province, trusting to the generosity of their conquerors, rather than to return to the country of their ancestors ; they became British subjects by the mere fact of their provincial residence, and subsequent civil and political benefactions conferred upon them, demonstrated their

Chap. well-placed trust in the generosity of the British
xxxix Government.

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“The full exercise of their religious worship, the complete enjoyment of their ancient civil laws, and the undisturbed use of their native language, were among the number of civil and social privileges guaranteed to them; and political privileges, of equal extent to those enjoyed by the British provincial inhabitants, were, in addition, subsequently bestowed upon them.

“The uncongeniality of the French laws, as a system of provincial civil jurisprudence, with the spirit and feelings of British settlers, and their expressed desire for a change from the petty tyranny of a Governor and Council, to the freedom of a Representative Provincial Government procured still greater advantage for the French Canadians. In the year 1791, the division of the Province of Quebec into the two separate Provinces of Lower Canada and Upper Canada, was carried into effect, and a Constitution, essentially similar to that of the Parent State, was conferred upon each, whilst, at the same time, universal suffrage was, in effect, granted to their inhabitants.

“It was conceived that this measure, by which one division should consist, as much as possible, of those who were well inclined to the English laws, and the other, of those who were attached to the French laws, was best adapted to put an end to all disputes of a legal sort—to reconcile the jarring interests and opposite views of the provincial inhabitants—to prevent a great degree of animosity and confusion, from their rooted opposition of interests—and to obviate dissatisfaction from a great ascendancy of one party over another in a united Legislature.

“Two objections to the measure were, however, neglected by the Minister of the day, that it fostered

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a population of foreigners in a British colony, and that it contained no provision, whereby the inhabitants of the British Islands should be totally excluded from settling themselves in Lower Canada.

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“The experience of fifty years of separation between the Provinces, and the present insurrectionary and seditious spirit exhibited in Lower Canada, plainly show how far the advantageous results anticipated from that impolitic and undesired measure have been realized.

“The possession of the right of almost universal suffrage, and of a numerical popular majority of the provincial constituency, gave the complete command of the Representative branch of the Legislature to the French Canadians, who soon exhibited a perfect knowledge of their advantage, and of that exclusive spirit which has since invariably actuated all their proceedings, and grown into a firm determination to accomplish their final purposes of the destruction of the interests and rights of the provincial inhabitants of British and Irish origin, and of the provincial connexion subsisting with the Parent State.

“A cursory examination of the composition of the House of Assembly, from its establishment, will shew that, with scarcely an exception, no individual of British or Irish origin has been returned to serve as a member of that body by a French Canadian majority, unless as a pledged supporter of French Canadian principles; with scarcely an exception, no provincial law has been passed, how much soever required for the support of the interests or the protection of the rights of the inhabitants of British and Irish origin, and that even these legal exceptions were invariably of a temporary nature, and subject to the capricious pleasure of French Canadian majorities. The spirit of the legislation of that body, will shew that its temporary character was adopted to render the Province the more completely subject to their control,

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or to enable them the more easily to take advantage of their expected predominance, for the abrogation of those very temporary laws which they had been constrained to pass. The political principles of that body will shew a fixed opposition to British interests, not only in their aversion to or rejection of every measure, which would tend to the introduction of capital and of a British population into the Province, as, for example, an effectual system for the registration of mortgages, and an abrogation of the feudal tenure ; but also in their positive introduction and adoption of every measure likely to tend to the privation of British and Irish rights, or to the destruction of British and Irish interests, such as the existing county division of the Province, by which the British and Irish constituency in the seigniories has been completely swamped in the greater numbers of the French Canadians, and their defeated attempt to deprive their fellow-subjects of British and Irish origin in the cities, tenants of leasehold property in copartnership, from a right of voting for Members of the Assembly. The claim of that body, for the sole management and disposal of the whole revenue of the Province, has constantly had in view the attraction into their own hands of the entire provincial authority, and the subjection of the Executive Government to their arbitrary will. From their first insidious attempt in 1795, to obtain the repeal of the permanent appropriation contained in the Act of 1774, for the support of the civil government and the administration of justice, thereby to subject the Executive Government to their good pleasure, for any further support than the pittance they then agreed to allow, through the whole course of the financial difficulties, which they have never allowed to slumber, by means of their annual supply bills, their difficulties as to the items of that supply, their resolution in 1822 not to grant permanent sup-

plies, or supplies during the Sovereign's life, their delegations to England in 1828, and the whole category of their agitation upon the subject, down to the year 1831, when the full accomplishment of their long-sought desires was obtained from the good faith of the British Government, by the repeal of the permanent appropriations; their first, last, great object was to obtain possession of the provincial revenues, well knowing that by this means the Government would be cast into their hands. Finally, the detail of the grievances of that body, as representing the opinions of their constituency, the so called great mass of the population, completes the evidence of their exclusive interests: in them will be found, the abrogation of the Charter granted to the British American Land Company, by means of which the Assembly sought to assume the management of the waste lands in the townships, and thereby to prevent the settlement therein of a British and Irish population; the repeal of the Tenures Act, by which a commutation of seigniorial tenure may be effected, from their apprehension of its leading to the introduction into the Province of British capital; their indisposition to encourage the settlement of the townships of this Province, because they are principally inhabited by a British, Irish and American population; their unwillingness to co-operate with Upper Canada, in the extensive improvements in progress in that Province, by which its settlement and prosperity might be augmented, and like advantages might thereby accrue to the British and Irish inhabitants of Lower Canada; and their pertinacious endeavours to render the Legislative Council elective, because in it alone were to be found the means of opposing their exclusive pretensions, and of protecting British interests. The history of the House of Assembly in its composition, its legislation, its spirit, and political principle, fully establishes the aim

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Chap. which its members have constantly kept in view, the
 xxxix aggrandizement of the population of French and the
 1837. oppression of that of British origin."

"The recorded testimony of a French Canadian leader, and one of the delegates to England, in 1828, to represent the grievances of his fellow-countrymen, and since that time, their paid agent for similar purposes, corroborates the views taken by the Constitutional Association; he declared, in his examination before the Canada Committee of the House of Commons, in 1828, that 'the establishment of the English law as applicable to property held in the townships on the tenure of free and common soccage, would be an infringement of the rights belonging to the French Canadians, if not done by the Legislature of Lower Canada; that the French laws should be allowed to continue all over the country: that facilities should have been given to the French Canadians to settle in the Townships: that the means of going there should have been given to them; that a system of education, according to the notions and ideas of the French Canadians, should have been followed; that the desire of the French Canadians must necessarily be to keep up their own institutions, and to preserve their laws in every part of the country; that the Legislative Council should be composed of men who would side with the mass of the people, and, in effecting this latter arrangement, that its natural effect would be to secure the means of extending the French laws and the French Canadian system over Lower Canada.'

"In the full and complete security of their persons and property, in the free and unrestricted enjoyment of their religious worship, their ancient civil laws, their native and beloved language, and of an equality of rights and privileges in the provincial representative government with their fellow-subjects of British and Irish origin, in possession, moreover, of a numerical popular majority, the French Canadians

could have no sympathies in common with people of another race and speaking another language, no inducement to divest themselves of prejudices dear to them alike from the associations of country and the recollections of life, or to abandon habits and customs which they cherished and to which they were firmly attached, for the questionable advantages to be obtained from assimilation with strangers, whom they were taught to disregard; and the natural consequence has been, that, in proportion as the French Canadian population has increased, those evils have likewise increased, until the repugnance to British interests and British connexion has finally assumed the form of open and declared rebellion.

"The French Canadian population were thus not only nationally inclined to mark their active opposition to their fellow-subjects of British and Irish origin, but they have been taught to consider them as strangers and trespassers upon their soil; they have been taught to feel towards them none of those kindly sympathies which unite together subjects of the same country and possessors of the same rights; they have in fine been taught to believe themselves oppressed by their fellow-subjects of British and Irish origin, and to imagine that they possessed the power of expelling their oppressors. Overlooking moral feebleness in physical capability, desperate men made an open livelihood by influencing the population of French origin to acts of violence; missionaries of insurrection, by their own example, ostentatiously shewed to them the manner of setting the laws at defiance; and individuals loaded with every species of personal contempt, aggravated a local pressure into popular tumult, or embittered an unimportant grievance into bloodshed. In all cases, the object was attained, active discontent was introduced into the passive population, and noon-day meetings gradually ripened into sedition and rebellion.

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"It is this exclusive French Canadian spirit alone which has given rise to all the discontent existing in this Province, it is this which has in fact made the question one of national origin and not of political party, in it is to be discovered the source of all the disturbances which have brought sedition and rebellion in their train, and in it alone is to be found a full and complete answer to the enquiry, to what causes the present unhappy condition of this Province is to be ascribed.

"This conclusion is borne out by the text-book of the complaints of the French Canadian Representatives, adopted in 1834, the famous ninety-two Resolutions of the House of Assembly, in which will be found a detail of grievances and abuses which that body knew to be either altogether redressed, or in active course of being so; reference is therein principally had to those which have been alluded to, the introduction of the elective principle into the composition of the Legislative Council, the abrogation of the Tenure Act, and the disposal of the whole revenue of the Province; the two former have been most wisely refused, the latter as unwisely granted. By their own admission, therefore, no real oppression exists in the Province, and no real grievance, consistent with the preservation of British supremacy, remains unredressed.

"The French Canadian leaders have endeavoured to excite the sympathy of the citizens of the United States, and of the professed republicans in Upper Canada, in behalf of themselves and their fellow-countrymen, by constantly appealing to their assistance for the support of popular institutions and popular rights, as if their real views were republican, and as if that form of government were favoured by the French Canadian population. It is sufficient to meet this fallacious inference with a direct denial, as being contrary to fact, and to the habits, feelings

and customs of that population, and as being altogether disproved by the evident principle of all the measures which have been proposed or approved by the French Canadian population, or its Representatives in Provincial Parliament assembled. These plainly shew that their views did not extend beyond the means of securing their own exclusive designs and intentions.

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"Although hitherto the voice of supplication in favour of British and Irish provincial grievances has been unheeded, amidst the clamours of an insurrectionary faction, these loyal subjects still confidently trust in the magnanimity of the Mother Country, and still anticipate from her justice an entire redress of their unmerited and patiently endured grievances.

"It is in the midst of disorder and disturbance, that the Constitutional Association of this city presumes to claim the sympathies of the inhabitants of the Sister Colonies, and their assistance, if required, for the protection of the rights and privileges of British subjects, and the maintenance of the connexion of the Province with the Mother Country.

"PETER M'GILL, Chairman.

"WM. BADGLEY, Secretary.

"Montreal, Dec. 13, 1837."

P. S.—The events at St. Denis and St. Charles, as given in the foregoing chapter, are taken from official and other sources—such as I deem can be relied upon—and which, bearing the impress of truth, have not been publicly contradicted by the patriots themselves. But, never having seen their version of those occurrences, I took the liberty, while attending my parliamentary duties at Toronto, in July, 1851, which a long and intimate acquaintance with Dr. Wolfred Nelson, then M. P. for Richelieu, I thought might justify me in hazarding, to request of him a sketch of the affair at St. Denis, in which he had taken so prominent a part, in order that I might give it a place as matter of history in the present work. To this, Doctor Nelson made no objection, and at once, with characteristic frankness, acceded, assuring me that, upon his return home, he would take a leisure moment to throw together his reminiscences of this painful matter, and transmit them to me

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with leave to make such use of them as I might think fit. In December following, I received from him a letter enclosing the following statement by one of his family, from notes furnished by himself, and apologizing for the hasty and imperfect manner in which it was composed, desiring also that I would freely use the pruning knife in retrenching any part I might think advisable, and in particular anything laudatory of him or his actions, which I was to attribute not to any unprofitable wish to see himself applauded, but solely to the natural partiality of the one who had held the pen for him on the occasion. He observes—"Should you deem any part of the rapid sketch I herewith send you, worthy of notice, you are quite at liberty to use it as you may think proper. If I had any choice in the matter, I would prefer that part where mention is made of the causes that impelled me to assume the attitude I took in the politics of the country very many years before the 'rumpus' in 1837. You will find it to be indeed a 'plain unvarnished tale,' in which I have not attempted to extenuate the position I adopted on any occasion, however much I may deplore certain of the incidents that accompanied it." It is scarcely necessary to observe, *en passant*, that I have not thought fit to exercise the license given me by Dr. Nelson, nor to change one word in the concise narrative he was so good as to favor me with, which indeed I could not improve, and that, as coming directly from him, must be interesting to the reader as explanatory of his motives, as well as of his actions. It will not be imputed to me, I trust, for mere egotism, if I continue the quotation from the Doctor's letter on the occasion, there being passages in my own life, as the reader may have remarked in a previous volume of this work, which render the Doctor's testimony of some value to me. "I have had," he continues, "the satisfaction of being intimately acquainted with you, for the last 45 years, and, notwithstanding that we have been the very antipodes of each other in political life, still I feel persuaded you have accorded to me that meed of justice which I have ever cordially conceded to you, viz., a perfect sincerity and an entire personal disinterestedness in all your views and proceedings, and I am equally well satisfied that you would hail with as great delight as I would, every occurrence that could contribute to the prosperity and happiness of this our common country, than which the British Crown has not a more valuable appendage, and which, under the present form of government, if duly appreciated, can have nothing to covet or envy in any other country under heaven; no, not even in the hallowed land of our fathers. I have taken the liberty of enclosing the account which my friend Mr. Thomas S. Brown has given of his participation in the transactions at St. Charles, when Colonel Wetherall marched upon that place. This is likewise entirely at your disposal." I consequently avail myself of the reports of those two gentlemen, which, from the part they took in "the troubles" of 1837, will very probably interest the reader. Doctor Nelson has lived to become, from a proscribed patriot, a favourite and functionary of the Government, and, in the opinion of all men, one eminently adapted to fill,

with credit to himself and advantage to the country, the important office conferred upon him by Lord Elgin, on the advice of Mr. Lafontaine while Premier.

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Brief narration of Dr. Wolfred Nelson's participation in the politics and "troubles," that lately occurred in Lower Canada.

"The country having been deprived of its Legislature, and its funds being expended in a manner, over which it held not the smallest control, increased beyond measure the dissatisfaction under which it had labored for very many years, produced by acts of the Imperial and Colonial authorities, in which the Canadian people not only had no participation, but which were consummated in direct opposition to their most clearly and energetically expressed will, and likewise in the most flagrant violation of their constitutional rights and privileges; the measure of colonial vassallage consequently seemed full even to overflowing. A tacit submission to this state of things would have stamped the country (for the reformers who had ever protested against that pernicious system, constituted at least nineteen-twentieths of the whole population,) with a mean and cowardly character, when it assumed a determined attitude, or it would have warranted the inference that their oft-repeated complaints, resulted from a factious disposition, or were not based on any act of tyranny from those in power.

"A bold, constitutional, and truly British feeling pervaded every bosom, public meetings were held in every village, parish and county, especially in the opulent and populous district of Montreal, but the entire Province felt this last and desperate attack upon their few remaining liberties (the Russell Resolutions) most acutely. On the 23rd of October, 1837, was held in the village of St. Charles, on the river Richelieu, by far the largest meeting that ever was convened in Canada. It consisted of an assemblage of the inhabitants of the five counties bordering on the Richelieu, and at the request of a deputation from the county of l'Acadie to be admitted into the convention, it was afterwards called the 'Assembly of the six Counties.'

"Men of distinction, both by wealth and political influence, from various parts of the Province, were present, and addressed the vast collection of hardy yeomanry, explaining in plain and emphatic language, the multitudinous grievances that were sapping the rights and prospects, and the very constitution of the country. Resolutions of a stern and decided character were adopted with the utmost enthusiasm. It must be observed, however, that while it was the object of the leaders to employ the most unequivocal terms of remonstrance, it was not their intention to overstep the limits of legitimate discussion and reproval, knowing full well that the very worst interpretation would be given to their proceedings, whereby accusations of sedition might be fabricated for the purpose of tormenting, if not violently punishing, 'the audacious men for their treason' against, not the Mother Country, nor against the law of the land, for it was well known that this was never contemplated, but in truth and solely, for their opposition to the miserable handful of

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place-men and place-hunters, constituting the most odious oligarchy that ever insulted and oppressed a country, and forced it to assume a position of self-defence. No, the avowed object was to make a profound impression on the English Government, that it might at last adopt some efficient and constitutional proceeding for the removal of the abuses that were incensing every heart, and the toleration of which, much longer, would entirely estrange the affections of one of the most loyal and numerous sections of the colonists.

"Vain and nugatory hopes! the *bureaucracy* deemed the time at last arrived for them to persecute, punish and plunder those whom they had goaded to desperation; and that they now had a fine opportunity of venting their rancour and hatred, while justifying their conduct on the score of loyalty and devotion to England! They knew well that the country had made no preparations, not even for self-defence, and far less for attack and aggression. But they would compel the people to take up arms and assume a defensive attitude for their lives and properties, and then style this movement a rebellion against the Crown of England! For many weeks the most injurious and violent language filled the Government press, and threats of dire vengeance were uttered at every street-corner. Persons were named who were to be the first immolated, and the first victim to Tory wrath was publicly announced to be the Hon. L. J. Papineau, who, for a long series of years, had, by all parties, been looked upon as the greatest political leader in Canada. He was urgently requested, by a large number of friends, to leave the city, as his life was in hourly jeopardy; and in this request, to the honor of a few of the less implacable Tories, let it be said, they joined in the intimation with an earnestness that was worthy of all commendation. No doubt of the propriety of the step could be entertained, for, a short time previously, a magistrate, distinguished alike for his violence, and unrelenting hatred of his brother Canadians—for he was one by birth, or at least from infancy—and of all of liberal principles, headed a mob of hot political partizans, broke into the *Vindicator* newspaper office, destroyed the press and materials, sacked the house, &c., and accomplished all this at noon-day, with a recklessness and vociferation that caused the most intense alarm to every peaceable and well-disposed citizen. It is almost incredible that the scene of this violence was in the immediate vicinity and in the presence of the military main guard-house; and that this shocking outrage, instead of meeting with due reprehension, or even a semblance of investigation, was, on the contrary, styled an act of laudable heroism and distinguished loyalty!! Mr. Papineau very properly left the city the ensuing night, accompanied by a few friends, and took refuge on River Chambly.

"A few days subsequently, a detachment of twenty Volunteer Cavalry was sent to St. Johns, for the purpose of capturing—for it could not be termed an arrest—two distinguished citizens of that place, who had been guilty of the *heinous* crime of attending the meeting of the Six Counties, and had moved, or seconded, some of the resolutions! In the dead of the night their doors were forced open with such disturbance and violence as to have attracted the

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notice of the neighbours, a few of whom mounted their horses, and spread the alarm throughout the country as far as Longueuil. The prisoners were manacled, and, to enhance the humiliation of their condition, cords were tied about their necks. All this vandalism, let it be remembered, was perpetrated without any warrant or mandate from the recognized authorities. The victims were then driven to Chambly, and thence towards Montreal by the Longueuil road, through a very populous country, as if for the very purpose of exultation and provocation. When the cavalcade had nearly reached the borders of the St. Lawrence, it was summoned to halt, by a small party of Canadians, who promised to convey the prisoners to gaol, but would not submit that their respectable fellow-countrymen should be taken to Montreal in the condition of felons. This demand was responded to by a volley from the pistols of the cohort, which was as promptly returned by a fire from a few fowling-pieces, which brought one of the leading horses of the wagon to the ground, thus effectually preventing the further progress of the vehicle, while, at the same time, the Captain of the party was wounded in the cheek. This 'retort courtois' at once put the troopers to their utmost speed, who thus left the liberated prisoners in the hands of their gallant rescuers. They were found seated on the bare boards of the wagon, confined in a most painful posture, and suffering from intense cold, and from the tightness of the cords and irons with which they were bound, even round their necks!

"This chivalrous achievement of a few young Canadians was heralded as the opening of the "*rebellion*," and it was stated that the whole country had risen in arms! A day or two subsequently, two bodies of troops were ordered to scour the banks of the Richelieu River: one to ascend from Sorel; the other to descend from Chambly; and both were to meet at the village of St. Charles, where Mr. Papineau's followers had located themselves in the house of the Hon. Mr. Debartzch. There, it was thought, they would be enabled to capture all the men of note in that district, as well as those gentlemen from Montreal who had sought safety in the environs. Information of the contemplated movement was conveyed to Dr. Wolfred Nelson, at St. Denis, and at about one o'clock, in the morning, an officer of the army, in disguise, was arrested in the latter village, as he was proceeding to apprize the detachment from Chambly, of the approach of that from below.* The alarm

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*NOTE BY DR NELSON.—"It has been stated that this officer was 'barbarously murdered by the rebels;' and for some time, this cruel accusation was credited by those who were ignorant of the facts that led to his untimely and most disastrous end. The circumstances attendant on this lamentable occurrence are as follows:—A gentleman in colored clothes was brought to Dr. Nelson's house at about 1 A. M., on the day of the battle. After some reluctance he acknowledged that his name was Weir, and that he was a Lieutenant in the 32nd Regiment. Appearing fatigued and cold, Dr. N. ordered his servants to place before him some refreshments, which he declined,

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was spread, and at about 6 A. M., some ninety or a hundred inhabitants of the neighborhood rushed to the Doctor's succour. He went to reconnoitre the position of the assailants, and the morning was so hazy and dark, that he galloped almost into the midst of the advancing troops, and had barely time to make good his retreat. To retard the progress of the menacing host, Doctor Nelson contrived to break down several bridges, thus giving himself time for rallying the people, and for making preparations to receive his opponents in hostile array. The Doctor told his friends that he did not wish to compel any one to stand by him, but that, in the event of a collision occurring, he expected that those who remained with him, would defend themselves courageously: that he had no cause to regret or fear any deed which he had performed, as a public man, and was disposed to meet any accusations that might be openly and legitimately brought against him; but reminded them also, that he would never submit to be treated as Mr. Demaray, and Dr. Davignon, of St. Johns, had been, a few days before, and that, if summoned to surrender, in compliance with the usages of the laws, he would at once acquiesce and surrender himself. But, instead of a visit from the Sheriff,—the Doctor's personal and intimate friend—or of one of his Deputies, the summons vouchsafed him was a cannon-ball, which killed two of his friends near him. It was then, and not till then, that the Doctor told his companions that 'their lives were sought after, and that they must sell them as dearly as they could; to be steady, take good aim, lose no powder, and all attend to their duty, their self-preservation;' this was at a few minutes after 9, A. M. The second shot killed three men, the falling of one of whom brought the Doctor to the ground. The contest lasted with more or less vigor till about

but accepted of some whiskey punch. He was urged to retire to bed and repose, but he preferred sitting up. Three respectable persons were desired to keep him company, and of these one was Dr. Kimber, of Chambly, distinguished alike for his warm-heartedness and his bravery. Mr. Weir was told that he must submit to be detained in custody for a few hours, but that he would be perfectly safe, and should be treated with respect and kindness, such as the Doctor said, he would wish to receive were he himself a prisoner, which might be the case in a very short time. Nothing more came under the immediate knowledge of Dr. Nelson, after he left his house to meet the advancing force. Previous to going, he gave Mr. Weir in charge of three elderly and trustworthy *habitans*, with injunctions to prevent his escape, but to do this with mildness. However, on hearing the firing, at a short distance, which occurred from the conflict of the soldiers and patriots, the Lieutenant made efforts to leave the house, whereupon his guards, without any orders to that effect, put him into a carriage to take him to the camp at St. Charles. As the unfortunate prisoner and his escort reached the upper part of the village of St. Denis, he jumped into the road, and struck at his guards. A scuffle ensued, and a couple of persons

4, P. M., when Captain Markham, of the 32nd Foot, most gallantly heading his company, made a desperate rush to pass an old store, on the very edge of a steep bank, which effectually prevented the troops from getting behind the Doctor's position—an object that had been provided against by placing seven or eight men in the store, and who, by an active fire through the crevices between the timbers, frustrated every attempt that was made to turn this important point; but just as the Captain, after reiterated attempts, was about to effect his purpose, he was severely wounded by several shots from a large building erected on a wharf projecting beyond the store. Six good marksmen had been stationed in the third story, and successfully commanded this point. The Captain's followers seized him and carried him from the spot, after which the firing nearly ceased, and in about half an hour the troops withdrew.

"It could never be accurately ascertained what the loss of the besiegers was, but it must have been considerable from the constant efforts that were made to pass the store alluded to above—no man appearing there but was brought to the ground. With the exception of those killed at this point, the loss was slight; the miserable 'fusils' of the *habitans* not being able to do much execution save at a short distance. Five soldiers, severely wounded, were left behind, of whom the utmost care was taken; indeed, it was delightful to see with what kindness and benevolence they were treated by those against whom, but a few moments ago, they were arrayed in hostile strife. The soldiers, themselves, have ever since been loud in their praises of the demeanor exhibited towards them, a sentiment at once characteristic of the generosity and honor of the British soldier. A twelve-pound brass cannon, with its ammunition carriage, &c., was also abandoned on the field.

proceeding to the spot where the contest was already becoming warm,—one armed with a sabre, and another with a gun, attacked Mr. Weir, who was said to be a spy, and in the excitement of the fray inflicted mortal wounds upon him. Thus, through his own imprudence and rashness, to say the least, was this fine young man killed, almost before he had attained complete manhood. When Dr. Nelson heard of this sad event, he expressed his utter abhorrence of it, and most severely blamed and reproached those who had been concerned in it, saying that, 'being three in number, they could easily have secured their prisoner,' and it is mere justice to these individuals to mention that, on reflection, they expressed in the most poignant terms their regret and sorrow of their precipitancy. Under the stupid impression that the catastrophe could be concealed, some persons made a hole, in the night, on the beach of the river, and there buried the body of the unfortunate gentleman.

"It is due to historical truth to give the above outline of an accident that cast the profoundest gloom over a large community, including Dr. Nelson and his friends,—an occurrence which, until the

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"It is but simple justice toward the Doctor to state that, during the strife, his soul was sorely rent, not by any pusillanimous sentiments for his personal safety, although a thousand hallowed ties rendered life most dear to him; but his distress to a degree almost beyond his endurance, arose from the circumstance of his being forced into battle against the soldiers of England—the land of his honored and venerated Father's. Had he been placed side by side and acting in concert with the troops, in resisting a common foe, his emotions would have partaken of exultation and delight. But to be placed in warlike opposition to them was grievous, indeed, to his heart. The retreat of his assailants gave him but little satisfaction; may he had a weight upon him that he could not dissipate, and which would have proved insupportable, had it not been for the conviction that he was acting in obedience to laws far more supreme than those of self-preservation.

"Shortly after the withdrawal of the troops, the Doctor called his friends around him for consultation and advice, saying to them; 'We have now passed the Rubicon—our very lives are at stake—there is no alternative: even a mean, cringing submission will scarcely protect us from every kind of ignominy, insult and injury, worse to bear than death itself, if, indeed, this event do not befall us at once. We see, now, but the painful necessity of taking up arms in good earnest, and manfully awaiting the occurrences which our attitude may provoke; still, it may happen that terms will be offered us, which it might be equally prudent and honorable to accede to.' Whilst preparing a course of defence in consonance with these sentiments, the upper division of the military expedition attacked the encampment at St. Charles, which, it must be confessed, was far less favorably situated to

real facts of the case were known, naturally excited unusual regret and condemnation."

NOTE BY THE AUTHOR.—Without any desire to be censorious, it is in like manner due to historic truth, that I, also, should subjoin a few remarks of my own on this subject.

The above, as far as it goes, is, no doubt, in accordance with facts; but it avoids—very pardonably, I am willing to admit—the cruel circumstances and manner in which Lieutenant Weir was put to death, and is evidently intended to be palliative of this most atrocious and revolting homicide (never contemplated, I am very certain, by Doctor Nelson, to whatever liabilities, in a legal or moral sense, he may have subjected himself by making the unfortunate gentleman a prisoner), and I therefore cannot allow it to pass without observing, that I do not, nor will my readers, I imagine, find in it one solitary extenuating circumstance of the guilt of those who, in cold blood, slew poor Weir. His arms were tightly bound with a rope previous to, or on his being put into a cart, or calèche, for conveyance to St. Charles—consequently any assault, so pinioned, that he could possibly make on his guards, cannot have been formidable; and it was in this defenceless state, after—on hearing

resist the attack than was St. Denis. The assault was successful: the soldiers swept all before them, and a general panic ensued,—the result of which was, that Dr. Nelson, at St Denis, soon found himself totally abandoned, save by a few staunch friends, seven or eight in all. Their sole safety now manifestly lay in flight, and they immediately started on their way to the United States, through the dense forests intervening. On coming to a very rapid stream, the Doctor crossed it with much difficulty, and nearly perished in so doing. His companions then took another direction, but as all the avenues leading out of the country were guarded, the whole of them were captured, with the exception of General T. S. Brown, Dr. Nelson being the last to yield, after having travelled in the wilderness ten days, swimming rivers, sleeping in the snow, without cloak or coverings, and much of the time without food. This was during the first eleven days of December. The excessive exertions he had made, and the privations he had endured, brought on an attack of dropsy after he was lodged in gaol. He had made up his mind from the first that no favor would be shown him, nor did he on any occasion endeavor to palliate his acts. He boldly proclaimed his sense of justification in resisting as he did, and that as the fates were against him, he was prepared for the worst. He conceived that he would be deemed far more culpable than the French Canadians, whose dissimilarity of faith and origin might plead in extenuation of their acts, but that he, the son of an Englishman and a Protestant, should be found sympathizing with the former, would appear a crime of very great magnitude, and much enhanced by the fact of his having successfully resisted the attack of the troops.

“The Doctor told the Attorney General, Sheriff, and other Officers who visited the prison, that he would most cheerfully offer himself

the discharge of musketry—he had leaped, very foolishly, it must be admitted, from the cart in which he was, and under which, when assailed, he vainly sought shelter, that he was mercilessly shot, sabred, hacked and stabbed to death by the monsters, who, as his guards, had him in charge, and of which his mangled body, when found, afforded too many shocking evidences; and all this, it seems, in the presence of a multitude of spectators tamely looking on at this heart-rending homicide.

It is to be recollected that poor Weir, when slain, was alone, in the hands of excited enemies, without one kindred heart among them to sympathize with him, or friendly eye to witness and relate the occurrences that preceded and caused his death—that even the facts offered in palliation of the cruelty exercised upon him, and of his assassination, come entirely from those who were either the actual perpetrators, or tacit accomplices, previous to, during, or after the fact, and who therefore naturally would seek to palliate the appalling deed. We know, indeed, actually nothing of the real facts attendant upon this young gentleman's untimely end, but such as those more or less implicated in it have chosen to give us, in which, however, there is more than enough of horror to sicken the

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as a victim on the altar of his country, could he by so doing appease and disarm the bad feelings which rankled in the bosoms of their political foes against the insurgents, and thereby be the means of bringing peace and harmony into the land of his birth.

◦ "Next to Mr. Papineau, for whom, dead or alive, one thousand pounds were offered by proclamation, Doctor Wolfred Nelson was assumed to be the man most obnoxious to the ill-will of the Tories. This originated in the bold stand he made many years previously against Mr., now Sir James Stuart, when Attorney General, and whom he defeated at the election of the 'Royal Borough' of William Henry (Sorel) in 1827; as well as in the uncompromising manner in which he invariably condemned the abuses of those days, together with his popularity, which was such that he was by acclamation called to preside at the great meeting of the Six Counties, on the 23rd October, 1837. As a most unequivocal proof that the Doctor was really disposed to make every sacrifice for the quiet of the country, he most cheerfully met Lord Durham's friend, Lieut. Colonel Simpson, and placed himself entirely at his lordship's disposal—even to the forfeiture of life and liberty—in which disposition he was nobly seconded by seven of his fellow-prisoners. As this fact, with its attending circumstances, has been already alluded to elsewhere, it is needless to repeat it here.

"It is but a bare act of justice to the Doctor and his seven friends to state, that during their exile at Bermuda, as well as their sojourn in the United States, their deportment was manly and independent, and that, far from reviling the Imperial Government, they invariably disculpated it of blame. They felt and knew that the English authorities were desirous of acting with justice and kindness towards the colonists. They maintained that the root and mainspring

most unfeeling heart. Agreeing with the above, as to the province of history in following an impartial and just course, I may add, that it also is precisely on that same account, among its first and sternest duties, fearlessly to stand forth and prominently, but faithfully, exhibit, in all their deformity, the excesses that occasionally degrade and disgrace the masses, no less than to signalize those noble traits of patriotism and humanity—not unknown nor unfrequent in Canada—that do honour to and exalt a whole people. Where is the value of "History," if it is complacently to varnish over the vices and the crimes of mankind, and shed a meretricious colouring upon human folly, or human guilt, deserving only of execration, and to be shunned by ourselves and those who are to follow us? The event alluded to is no disparagement to the established and well-known many excellent qualities of the French Canadian character—anything but sanguinary, nay naturally hospitable and humane. It constitutes, indeed, a melancholy exception, but makes no rule or standard to judge by—proving only into what excesses the masses, when excited, may rush, and consequently the danger of inciting them to courses of devious, or, to say the least of them, questionable policy

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of their oppressions lay entirely in the corrupt set of office-holders, who, like their kin, the old oligarchy in the Thirteen Colonies, were traitorously deceiving their Sovereign, and were, by incessant injury and insult, forcing the people into disaffection and ultimately resistance, as well in vindication of their rights and privileges as subjects, as in the maintenance of their dignity and self-respect as men.

"It has been stated by some persons, actuated by a base jealousy of the Doctor's decided attitude in the hour of trial, whilst they ignominiously sought safety in flight, that he was in embarrassed circumstances and reckless of events; and this opinion has been responded to by a few others, as a means of depreciating the Doctor's position. But it has been satisfactorily proven, that, at the time of the occurrence just narrated, his business was in a most prosperous and promising state; and that, as regarded pecuniary matters, he had every thing to lose in this political struggle, besides being bound to life by the adamantine ties of the son of a widowed mother, a husband, and father of a numerous family. If ever a man had cause to cherish existence, certainly he had reasonable claims to such a sentiment. And it is but right to remark, that even the most bitter of his opponents have freely acknowledged that he was impelled by more lofty motives than those of personal interest and aggrandizement. He is now 60 years of age, and is as active, industrious, and eager in the pursuit of his professional avocations as he was thirty years ago, and he has the cheering prospect before him, if health and prolonged life be vouchsafed him yet a few years, of being enabled to view the fast-approaching termination of his career without the harrowing apprehensions of leaving his family unprovided for; but, instead thereof, though not in affluent circumstances, yet in possession of the ordinary necessities of life.

"Montreal, November, 1851."

"MONTREAL, 14th November, 1851.

"MY DEAR DOCTOR,—I have been very much gratified with the perusal of your manuscript, and have but one fault to find, which is, that it is written with too much modesty. It is difficult for a man to speak of himself as he should speak, and there is such a charge as being so modest as to treat one's own self with disrespect. Though the harrassed soldiers were unfit for duty, it was your energy alone that kept them out of St. Denis, and the world should know it. The conspicuous and responsible position in which you were placed, should be set forth in correct terms. The *Vindicator* was destroyed on the 6th November, late in afternoon or beginning of evening. I was under the impression that Mr. Papineau remained in town four or five days after. We were told, and believed, that Demaray and Davignon had ropes round their necks; but was it really so? It must not be said, if not certain. In regard to sol-

* It was not so—the Doctor was misinformed—I have the certainty of it from one accompanying the Bailiff who held the warrant

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diers killed, do the Military admit there were any? For if not we must be cautious how we assert it positively, without proof, however strong may be our own impressions. I return herewith the manuscript, but wish to keep the "Lancet" a little longer to read it again. I will endeavor to see you soon, and in mean time will write my report.

"Yours most faithfully,

"T. S. BROWN."

"27th November, 1851.

"MY DEAR DOCTOR,—I enclose you a report of my part in the operations on the Richelieu. It is a long thing to read, and yet I do not see how I could have condensed more; and there are many things left out, that I might not be interminable. By-and-by, if I have leisure, I have a mind to write a chapter or two of *history* on the proceedings of 1837, which, if I do, I will submit to you. It would be what Mr. Christie wants.

"I enclose his letter to you herewith, and thank you for the perusal.

"Yours truly,

"T. S. BROWN."

"MONTREAL, 25th November, 1851.

"DOCTOR WOLFRED NELSON.

"MY DEAR SIR,—Fourteen years ago, this day, I was driven from St. Charles, and before all is forgotten, it appears right that I should make a report to you of my part in the operations on the river Richelieu, in 1837.

"In the city conflict of the 6th November, 1837, I lost my right eye, and got terribly beaten, which confined me to my room till the 16th, when I received information that a warrant against me for high treason had been issued, and in my ignorance of most that had been passing in the last ten days, I determined to set out immediately for the States, there to repose, till my strength should be recovered. Departing alone, without conferring with any one, I arrived at the horseboat (foot of the current) about five o'clock, P. M., but found it would not leave for a couple of hours, and then to carry troops; upon which, there being no other means of crossing, in a night so stormy, I engaged a *habitant* passing down to Pointe aux Trembles, to take me along with him. My new ac-

in virtue of which they were arrested. Their arms were pinioned, and they were tied to the bars, of the cart in which they were placed for conveyance to Longueuil—bad enough certainly—but they were spared the revolting indignity of which Mr. Brown very justly doubts, and which I am happy to have it in my power to say was not the case. See, also, the statement in French by "un Temoin Oculaire, et un des prisonniers"—post.

R. C.

quaintance was very drunk—a sharp north-east snow storm had set in—there was continual danger of running over the bank, and consequently I was obliged to drive, which adding to my exposure, struck a cold into every limb, and every corner of my body. That night, after retiring, I suffered the pains of Tophet.

"In the morning I went down to the village of Pointe aux Trembles, and from thence crossed to the farm of an *habitant* named Malo, where, most hospitably received, I went to bed, and passed the day. In the afternoon I sent for Dr. Duchesnois, of Varennes, and returned in a canoe with him. At his house I met Rodolphe DesRivières, Dr. Gauvin, and some others, from whom I learned that many warrants, for high treason, were issued, many arrests were made, and many people were flying from home, in all quarters. They also brought intelligence of the rescue of Davignon and Demaray at Longueuil. Conversation soon roused us with the reckless vivacity common to people thrown suddenly upon their natural resources, and compelled to act. At supper I observed: 'Well, the Ball has commenced, I suppose we must all join in the dance. 'Yes,' said Gauvin, 'We will turn soldiers—let us go to St. Charles, make a prisoner of Debartzch, and establish our camp.'

"Without further discussion, DesRivières, Gauvin, a brother of DesRivières, and myself, set out immediately in two carts, upon our expedition. I had been but once in St. Charles, and knew but one person there—two of my associates (DesRivières and Gauvin) were still greater strangers. At one place where we stopped in the night, there were two taverns, and many people assembled, much excited, enquiring why the 'chiefs' were flying?

"'We have ammunition and guns,' said they, 'let the Chiefs remain with us, and they shall be protected.' We reached Mr. Drolet's at St. Mares, about day-break, and after breakfast crossed to St. Charles. I went to Durocher's and laid down, too much broken to stand longer. Gauvin collected a small party of men with fusils, put himself at their head, marched up to the Manor house, and took possession. Debartzch and family were then safe in Montreal. Shortly after, a horse was brought for me, and I proceeded to take command of the camp, which by evening mustered quite a garrison with sentinels posted. The next day being Sunday, nothing was done—much to my annoyance.

"On Monday we felled the trees round the house, and laid up their trunks as a barricade round a large area (enclosing all our buildings) which when covered with earth, would have been bullet proof, and formed an out-work to a fort, but never completed, it remained a mere log fence. The people from the surrounding country, came in great numbers, all enthusiastic and ready to devote life and property to the call of their country; but the chief men were, as you remember, with two or three exceptions, absent or secreted; and under these circumstances, it could not be expected that the people would have much confidence in operations conducted by three young men, of whom they knew nothing, and whose personal deficiencies were too visible; Col. Lemay, Simon

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Lespérance, and two others, were brought in prisoners, and detained by me. I directed a guard to be placed over Lespérance's Store, for its protection, and took possession of Spink's Store at St. Charles, where I placed a guard to prevent plunder. Of provisions we had abundance, but the wheat was to be ground, and the cattle to be killed, and with no organised Commissariat, or Quarter Master's Department, men who joined, left us for want of food merely because we had no system for distributing it. All were ready to obey, but there was no body to command. In the absence of Commanders or instructors of Squads, no body knew what to do, or how to go about it. For myself whatever I might have done at another time, I was suffering excruciating agony of body, especially through the long nights, and moving in pain through the day, I could direct nothing with energy. At a moment when every thing was required of me, I was fit for nothing. Of ammunition we had some half dozen kegs of gun-powder, and a little lead, which was cast into bullets; but as the fire-arms were of every calibre, the cartridges made, were too large for many, which were consequently useless. We had two small rusty field pieces, but with neither carriages nor appointments they were as useless as two logs.

"There was one old musket, but not a bayonet. The fire arms, were common fusils, in all conditions of dilapidation, some tied together with strings, and very many with the lock-springs so worn out, that they could not be discharged.

"Encouraged by your masterly defence at St. Denis, we felt no alarm at the approach of Col. Wetherall, who halted at St. Hilaire some eight miles distant. On Friday, the 24th November, the day being fine, I reconnoitered the country for some distance up the river, to a ravine where there was a small bridge, that I ordered to be destroyed, and placed a picket in the Brush wood, near by, to fire on Col. Wetherall's advance, should they attempt a reconstruction. I placed another party on the summit of the ravine, directing them to erect a strong barricade, from which they could, with safety, fire on the troops, as they advanced from below. The remainder of the men I had brought from the camp, I picketed in the farm houses along the road, with instructions to turn out, if the troops approached, and fire from behind the wood piles, and other safe covers, of which there was abundance along the river bank.

"About midnight, the camp was aroused by an alarm, that the troops were coming. Those who came from the farthest point up the road, had neither heard, or seen them, and I am satisfied the alarm was false, but it was only after I had sent men out into the fields, to bring back a report, that no enemy was surrounding us, that I could get the people quieted. My arrangements of the previous day were, as I discovered when the troops really did appear, completely broken up—for very few who fell back on the camp, that night, returned to their posts.

"On the morning of the 25th, I mustered my men in camp—they

numbered one hundred and nine (109) fusils such as I have described; and I presumed I could count on 50 more in the village. At this moment I received a written communication signed 'Your friends below the Rapids,' informing me that Col. Wetherall having received orders to retire to Montreal, was making preparations for crossing the river, at St. Hilaire.

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"Thus relieved from all anxiety on that side, I set about organizing a Commissariat, and after arranging what was necessary at the camp, went down to the village, to see how I could get our wheat ground into flour. While occupied with this business, intelligence was brought, that the troops were advancing, and riding to the camp, I found that all my remaining outlying pickets, had come in, without waiting for their approach. Collecting about thirty of them, I ordered them to return, and proceeding with them a mile, or more, came in full view of what appeared about 400 to 500 Infantry, with two pieces of light-horse artillery, and a small party of cavalry. The day was fine, the ground frozen, and they, after so good a repose at St. Hilaire, advanced rapidly. I ordered my men, as before, to take advantage of wood piles, and inequalities of the ground, to fire on the advance, and left them to return to camp. While stopping at one point, to reconnoitre, my horse by a sudden turn threw me violently on the rough frozen road. He was caught—I mounted again, I know not how, and got back to camp. Such a throw, in ordinary times, would have unfitted me from moving an inch. I called the men to their posts—they stepped out manfully, but I do not think the whole number exceeded seventy. Then I hurried to the village to bring up all who might be there. The fields were covered with a complete flock of men, women and children, from along the road, who were flying before the troops.

"Just as I turned again towards the camp, a respectable old *habitant* came running up, to say, that he had been sent by the English Commander, to tell us that if we made no attack on the troops, they would not harm us. I at once supposed, that followed in the rear, by our friends from above, they were seeking a free passage to Sorel, and determined to send a message in reply; that if they would lay down their arms, they should pass unmolested. A man in the employ of Mr. Durocher, was the only one I could send—he had to go back for his coat, and then we set out; I instructing him as we proceeded towards the camp. Arrived within about 250 yards, at the top of the ravine below the Church, I stopped to take breath, and was looking to see what use could be made of the ravine, when three round shot passed near me, in quick succession, and as I reined out of the road, down which the first fire was directed, the musketry opened on our camp. To go forward was useless, as I could order nothing but a retreat—without it the people commenced retiring. I tried to rally the little squads, my only hope being in keeping together the fowling pieces we had collected, but finding after a long trial, my strength and authority insufficient, I considered my command gone, turned my horse, and

Chap. rode to meet you at St. Denis (seven or eight miles) where you may
 xxxix remember I arrived about nightfall.

1837. "A mere accident took me to St. Charles, and put me at the head of a revolting force. Another mere accident kept me out of the reach of musket shot. Having no Aid-de-camp or person that I could send, I was obliged myself to be everywhere, in making preparations to meet the enemy, and consequently the last that most of the men saw of me, was when I was riding from front to rear, which was exactly the course of all those who were flying in the fields.

"Yours truly,

"T. S. BROWN."

Anxious to ascertain whether, as stated by Doctor W. Nelson, Messrs. Démaray and Davignon, arrested at St. John's on charge of High Treason, had been treated by their captors with the indignity he represents them to have been, I requested a friend, (Col. Gugsy,) acquainted with those gentlemen, to enquire of them as to the fact in question, which accordingly he did, in consequence whereof the following, being more, however, than bargained for, was sent me. A simple *yea* or *nay* would have sufficed, neither of which is given, though it was all that was desired. It may, however, be decidedly inferred from this statement, that they were not subjected to the supposed indignity. Besides, that they really were not, I have from the best authority, as mentioned in another place. For true cause of the arrest of those gentlemen, see page 436.

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ARRESTATION DE PIERRE PAUL DEMARAY, NOTAIRE, ET DE JOSEPH DAVIGNON, MEDECIN, DE LA VILLE DE ST. JEAN DORCHESTER.

Le 17 novembre 1837, à 3 heures du matin.

Les assemblées publiques qui avaient eu lieu depuis quelque temps, à l'occasion des droits réclamés par les habitants de cette province, comme colons anglais, avaient tellement troublé les Tories d'alors, que ces derniers ne mettaient aucun frein à leur vengeance, même sur les personnes inoffensives; c'est ainsi que ces messieurs les Tories de St. Jean se sont conduits envers messieurs Démaray et Davignon, deux paisibles citoyens de la ville de St. Jean Dorchester. Au dépens de la vérité, l'on avait trouvé les moyens de faire croire au gouvernement ce qui n'existait vraiment pas, et c'est par ces moyens que, pour se venger contre ces Messieurs, l'on parvint à faire arrêter messieurs Démaray et Davignon. Ce fut sur les trois heures du matin, qu'une trentaine de volontaires ou cavaliers se transportèrent à la demeure de ces messieurs, les arrachèrent de leurs lits et les menèrent à l'hôtel Mott, où ils furent mis aux fers et ensuite liés et garrottés à la charrette qui devait les transporter à Montréal; ce fut alors que l'on dit aux prisonniers, que les gardes, avaient ordre de les livrer à Montréal, morts ou vifs!!!! L'insolente fierté, avec laquelle se conduisaient ces gardes fut bientôt punie. A environ une demi-lieue du village

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de Longueuil, une trentaine de Canadiens, mal armés, ayant eu la nouvelle que l'on avait fait prisonniers politiques et maltraité des hommes qui ne le méritaient nullement, se mirent en embuscade pour attendre la garde qui conduisait les prisonniers, avec l'intention de libérer ces derniers, sans le moindre mal possible.— Lorsque la garde fut à environ une trentaine de pas des Canadiens, ces derniers se montrèrent soudainement le long de la clôture du chemin, et quelques-uns sautèrent dans le chemin. La garde surprise, s'arrêta tout à coup, et demanda aux Canadiens ainsi armés, ce qu'ils voulaient; ce fut alors que le brave Viger répondit, au nom des autres: "Vous ne passerez pas sans nous livrer nos citoyens que vous avez faits prisonniers injustement."—Le capitaine de la garde leur dit, qu'ils n'avaient aucun droit de les arrêter ainsi, et que, s'ils persistaient, il serait obligé de faire feu sur eux. Viger leur dit qu'ils ne passeraient pas sans avoir remis entre ses mains leurs prisonniers, et que si la garde faisait feu sur eux, ils auraient le plaisir de riposter.—Ce fut alors que la garde commença le feu et la bataille s'engagea—que la garde au nombre d'environ 26 fut mise en déroute, laissant forcément derrière eux, leurs prisonniers, après même avoir tiré plusieurs coups de feu sur les prisonniers, en exécution de l'ordre qu'ils disaient avoir reçu, mais heureusement sans effet.—Il n'y eut aucun blessé parmi ces braves Canadiens, quelques-uns ont cependant été blessés parmi les cavaliers qui composaient la garde.

Il est impossible de décrire avec quelle joie ces braves Canadiens ont reçu entre leurs bras, les personnes qu'ils avaient arrachées des mains des gardes. Cette joie, mêlée de larmes, restera toujours gravée dans le cœur de ceux qu'ils ont ainsi libérés, puisse à Dieu que la mémoire de ces braves Canadiens soit à jamais gravée dans l'histoire de notre pays.

UN TEMOIN OCULAIRE, ET L'UN DES PRISONNIERS.

St. Jean, January 5th, 1853.

Shortly after the advent of Mr. Lafontaine with his friend Mr. Baldwin to office, in the autumn of 1842, during the administration of Sir Charles Bagot, he proposed—actuated by a humane and sound policy—to His Excellency, an amnesty of all political offences, or, if this were for the present inexpedient, then that at least all prosecutions under the various bills of indictment that had been found for high treason, still pending in the Court of King's Bench at Montreal, should, as a conciliatory measure, be abandoned. The Governor did not, it seems, deem an amnesty at that moment advisable, and which, probably, his instructions may have prevented, but had, it was reported, and correctly I have no doubt, no repugnance to accede to Mr. Lafontaine's advice, and to consider as *non avenues* and null, all indictments, against whomsoever found, from political causes, that against Mr. Papineau alone excepted, and on this point he seemed determined to insist. Mr. Lafontaine, to his credit be it told, at once declined acquiescing in the proposed

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exception, to which, indeed, he could not, without dishonor, assent, expressing his determination to resign his office (the Attorney Generalship of Lower Canada) rather than consent to make Mr. Papineau an exception, as insisted upon by the Governor. Sir Charles, however, at last, wisely gave way, and authorized Mr. Lafontaine to enter a *nolle prosequi* to the indictment found against Mr. Papineau (at this time in France), as well as to all those found against others from the like cause. By this generous and energetic conduct on the part of Mr. Lafontaine, a return to Canada was opened to Mr. Papineau, and of which, early in 1845, he availed himself, after an absence nearly of eight years.

Mr. Papineau did not, it appears, contemplate, on returning to his native country, a re-entry upon public life; but, warmly solicited from various parts, he finally allowed himself, though reluctantly, to be proposed, at the general election in 1848, as a Candidate for the County of St. Maurice, and for which he was returned. His re-appearance in Parliament was not favorably received by Mr. Lafontaine and his friends, from the apprehension that, disapproving of this gentleman's policy, as he was known to do, and from the antagonism that had formerly, previous to the rebellion, arisen between them, and not yet forgotten, he might, through the influence he formerly, and to a considerable extent still enjoyed among his compatriots, divide the French Canadian party, and weaken, if not break down, Mr. Lafontaine's power in the Legislative Assembly. He was here bitterly assailed, on the score of his past and present politics, by Mr. Lafontaine's supporters, but by none with such vehemence as by his quondam disciple and friend, Doctor Wolfred Nelson. Hence the correspondence and recriminations in the public prints (from which the following are extracts) between those gentlemen. The quarrel certainly afforded some instruction, as well as amusement, at the time, though at the expense of the parties engaged; but their friends very generally, and with much reason, regretted and condemned, not less the unnecessary revelations of their mutual deeds, if not misdeeds, in times past and present, than the acrimony with which they were brought out; and I may, without offence, add, that it were far better for their own sakes had the altercation been avoided.

If called upon to define the essentials in which Messrs. Papineau and Lafontaine—both gentlemen of French origin, and who, in turn, have largely enjoyed the confidence of their fellow-countrymen—politically differ, I must own at once my inadequacy to the task, unless it be, that, equally opposed to the union forced upon the French origin population of Lower Canada, the former, to nullify it, would prevent it from at all working; while the latter, making a virtue of necessity, has pursued a wiser policy in working it to the advantage of his country, and, in particular, of his compatriots, placing, through his influence with Lord Elgin, several of those even who were the foremost and most conspicuous in the rebellion, in some of the most important and lucrative offices in the Province, proving himself in this, as I at least opine, by far the

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more skillful politician of the two. This latter policy, it is true, has not been satisfactory to all the world, and it is, indeed, in a general sense, open to grave objections; but nevertheless it may, in this instance, be a sound one. Mr. Lafontaine, it is pretty generally admitted, has, by consulting only the practicable and expedient, acted wisely and well, amidst the difficulties that beset his position as Prime Minister, which he of late occupied, and that, upon the whole, though there are derogating circumstances in the course of it, his administration has been eminently successful. It was, in fact, from the impetuous and blind pursuit of the impracticable and inexpedient, that Mr. Papineau lost himself, shipwrecking his own and his party's hopes, and, with his example and failure before him, it is to Mr. Lafontaine's credit that he has had the wisdom to profit by them.

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(Editorial from "*La Minerve*," 4th September, 1848.)

"On peut voir par la date que porte les attestations suivantes, que nous les avons en notre possession depuis déjà quelque temps. Nous ne les aurions jamais mises au jour, si on n'était pas revenu avec un nouvel acharnement insulter à outrance à des citoyens recommandables qui ont bien mérité de la patrie. On a encore remué ciel et terre pour séduire des hommes inconnus pour la plupart, en leur faisant *retremper la mémoire* par des moyens connus aux intrigants, pour leur faire affirmer des choses qui étaient contredites déjà par plus de cinquante citoyens respectables et dignes de foi, qui ont été témoins de tout ce qui s'est passé à St. Denis, le 23 novembre 1837. Nous regrettons infiniment de revenir encore sur ce sujet, mais nous ne devons pas garder le silence, lorsque nous voyons des citoyens recommandables qui ont fait tant de sacrifices pour soutenir l'honneur des Canadiens, pour conduire nos compatriotes à la victoire, pour leur donner un nom, pour les faire respecter même par nos plus mortels ennemis, nous ne devons pas, disons-nous, garder le silence lorsque nous voyons des hommes d'hier, des pigmées politiques, qui n'ont jamais payé ni de leur personne ni de leur bourse leur dette à la patrie, insulter à des hommes qui ont fait leur preuve de dévouement à la cause commune, nous serions coupable d'ingratitude si nous n'élevions la voix pour les défendre. Puisque nos adversaires reviennent avec acharnement sur ce sujet, nous ne devons pas l'abandonner, et dussions-nous déplaire à quelques-uns, nous devons accomplir notre tâche, celle de rendre hommage à la vérité.

"Toutes les trames qui ont précédé les malheureux événements de 37 nous sont connues, nous avons eu occasion d'apprécier tous les acteurs qui ont pris part au grand drame, avant, pendant et après. On semble ignorer, ou on veut oublier ce qui s'est passé alors. Ceux qui ont forfait à l'honneur doivent être, suivant quelques-uns, les supérieurs de ceux qui ont mérité des lauriers! Cette maxime est tout à fait nouvelle et ne peut exister que chez un peuple ingrat et indigne de posséder des hommes qui se dévouent à la

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cause commune. Nous espérons que le jour n'est pas éloigné où un historien impartial se chargera de la tâche d'écrire l'histoire de l'insurrection de 1837, et de tous les événements qui l'ont précédée, et s'il se trouve encore des hommes assez préjugés pour ne pas rendre hommage au mérite, la postérité sera plus judicieuse, elle saura comment juger.

" De *grands* personnages se sont cachés derrière le rideau, et ont poussé des hommes de rien pour la plupart, à attaquer de la manière la plus odieuse M. le Dr. Nelson et M. Cartier, deux citoyens, qui, dans toutes les circonstances difficiles où s'est trouvé le pays, ont payé et de leur personne et de leur bourse pour soutenir l'honneur canadien. On vient encore de lancer des *manifestes*, non pas pour prouver des faits, mais pour les insulter de la manière la plus outragante, et quelques bonnes âmes, animées par de bons motifs peut-être, voudraient que nous garderions le silence après de pareils outrages!... Non, certainement non, toutes les puissances réunies ne pourront pas nous baillonner après des insultes aussi malveillantes, aussi peu méritées, quoiqu'elles partent de bien bas. Il est toujours une classe d'individus qui prêtent l'oreille à la calomnie, et notre devoir est de les détromper.

" L'instigateur de tout ce scandale est M. Henri Lapparre, qui a affirmé sous serment que M. le Dr. Nelson a dit au *chef suprême* d'alors de se sauver! Environ 40 témoins de notre part affirment le contraire, parce que le Docteur, étant parti de chez lui vers 6 heures du matin, et qu'il n'y est retourné qu'après 4 heures du soir, n'a pu *donner ordre* à l'autre de se sauver, lorsqu'il est prouvé qu'il est parti vers 9 heures de l'avant-midi, pendant l'action!

" Le lecteur doit se rappeler, que, d'après son propre aveu, fait à M. Philippe Turcot, homme plein de probité, comme on le sait, M. Lapparre s'est caché dans une cheminée dès le commencement de la bataille, d'autres témoins ont affirmé l'avoir vu se sauver par une fenêtre, ne trouvant pas sans doute sa retraite dans la cheminée de la maison assiégée, assez sûre; ces témoignages n'ont pas été contredits; et d'après cela, il est permis de douter de la véracité du reste des dépositions. Nous avons de notre côté les témoignages d'hommes éminemment respectables, tels que MM. Bourdages, Jalbert, Dr. Kimber, Gadbois, Capt. Raynault, Frs. Mignault, J. E. Mignault, Ant. Cheval, Pr. Cheval, Frs. Pineau, J. Archambault, Frs. Marcotte, et d'un grand nombre d'autres personnes avantageusement connues, dont la parole ne peut être révoquée en doute. Ce que nous en avons donné, et ce que nous publions aujourd'hui, doit suffire pour ouvrir les yeux aux moins clairvoyants, ainsi nous terminons cette tâche pénible et pour nous et pour nos lecteurs. Mais qu'on se rappelle au moins que ce n'est pas nous qui avons provoqué cette discussion. Nous sommes sur la défensive.

" Quant à l'affidavit de M. Geo. St. Germain contre M. Geo. Cartier, il est bon de remarquer que M. St. Germain se trouve contredit par les affidavits que nous avons publiés. M. St. Germain se trouve même en contradiction avec son ami M. Lapparre,

sur les avancées duquel il voudrait enchérir. M. St. Germain dit que c'est après les premiers coups de canon, au commencement de la bataille, que M. Cartier est allé à St. Antoine, tandis que M. Lapparre, qui prétend n'avoir point perdu de vue M. Cartier, dit que c'est à deux heures de l'après-midi, c'est-à-dire après environ cinq heures de combat. Le fait est donc constaté au-delà de tout doute, que c'est à deux heures que le Dr. Nelson envoya M. Cartier qui était de retour environ une heure après. Nous ne signalons que cette contradiction, car on n'en finirait pas, s'il fallait faire ressortir toutes celles qui existent dans ce pot-pourri d'affidavits, quoiqu'on ait employé toute sorte de moyens pour *retremper* la mémoire de la plupart des déposants !!

"M. Lapparre a osé faire appel au témoignage de MM. Kimber, Cormier, Bourdages, Gadbois, et autres. Ces messieurs, comme on l'a vu par les certificats que nous avons publiés, l'ont complètement démenti; il a osé aussi en appeler au témoignage de M. le Dr. Nelson, et malgré la répugnance que ce monsieur a de se mesurer avec un pareil adversaire, il a dû relever le gant, et voici sa réponse."

Here follow the "attestations" alluded to in the above editorial of "*La Minerve*," including that of Doctor Wolfred Nelson:—

"Vu qu'on m'a fait appel de donner mon témoignage sur certains événements de St. Denis, en 1837, je le ferai, dans l'intérêt de la vérité et de la justice. Je dois ceci à mes amis et au pays en général.

"Or, j'affirme sur mon honneur que plusieurs jours avant la descente des troupes sur la rivière Chambly, M. Papineau est arrivé à St. Denis, et a pris refuge chez moi. Que vers les 6 heures du matin, le 23 de novembre 1837, je suis allé dans la chambre qu'occupait M. Papineau, l'informer que je venais d'apprendre que les troupes étaient au haut de la paroisse de St. Ours, se dirigeant vers St. Denis, et que je partais pour reconnaître leur position. Et je ne suis retourné chez moi que le soir, après la bataille, qui a duré jusque vers quatre heures et demie. Je n'ai revu M. Papineau ensuite, qu'à la fin de novembre 1838, à Albany. Donc, IL EST ENTIEREMENT FAUX QUE J'AIE DIT OU ORDONNÉ A M. PAPINEAU DE S'ÉLOIGNER AU COMMENCEMENT DE LA BATAILLE, QUI S'ENGAGEA VERS NEUF HEURES DU MATIN; ET IL EST ÉGALEMENT FAUX QUE M. PAPINEAU AIT SAISI UN FUSIL POUR ALLER COMBATTRE, à six heures, lorsque l'ennemi n'est arrivé qu'à neuf heures. Nous ignorions le lieu de refuge de M. Papineau.

"Qu'entre neuf et dix heures, M. Papineau envoya un message me demandant s'il devait partir! Je lui fis réponse, "qu'il ne devait pas laisser la place; que tant que je demeurerais debout, il n'y aurait pas de danger pour lui, mais qu'à ma chute, il devrait venir prendre en soin nos amis."

"Qu'il est, aussi, également faux que j'aie été nommé ou élu général en cette occasion. J'étais, au contraire, l'aide, le subal-

Chap. terne de M. Papineau, et non son supérieur, et j'obéissais complètement à ses ordres et suggestions.

xxxix "Qu'il est vrai que M. Henry Cartier a remarqué qu'il serait bon de retraiter, vu les ravages causés par les décharges de l'ennemi, le manque de munitions, et la fuite d'un nombre de personnes en conséquence. Je me suis fortement opposé à cette démarche, et nonobstant cela, M. Henri Cartier nous a vigoureusement secondés pendant toute la journée. M. GEORGES CARTIER n'a jamais fait allusion à la retraite, et lui, comme son cousin, M. H. Cartier, a vaillamment et efficacement contribué au succès de cette lutte. Et ces Messieurs ne m'ont laissé que lorsque je fus moi-même obligé de partir, neuf jours après cette époque, à la seconde expédition des troupes contre St. Denis, la résistance alors étant devenue impossible.

"Que j'ai envoyé M. George Cartier, vers les deux heures de l'après-midi, chercher des munitions à St. Antoine, et qu'il a été promptement de retour avec des secours, après environ une heure d'absence, M. George Cartier ne portait point de tuque bleue le jour de la bataille.

"Que si j'ai vu le nommé Henri Lapparre pendant cette journée, ce n'est qu'au commencement, je ne me souviens pas de l'avoir vu ensuite. S'est-il caché dans une cheminée, dans sa frayerie, comme il l'a lui-même avoué, et ensuite s'est-il sauvé par une fenêtre avec d'autres, comme il a été prouvé sous serment, c'est ce que j'ignore. Mais dans tous les cas, s'il se fût conduit avec courage et valeur durant la bataille, il me semble que je n'aurais pu manqué de le remarquer, comme j'ai remarqué les faits saillants de tant d'autres.

"WOLFRED NELSON.

"Montréal, 21 août 1848."

"Je, F. X. LAFORCE, marchand, de St. Denis, étant assermenté, certifie qu'au meilleur de ma connaissance, le 23 novembre 1837, le Docteur Wolfred Nelson est parti et a laissé sa maison sur les six heures du matin, pour aller au-devant des troupes pour s'assurer si elles marchaient sur St. Denis; qu'ensuite il est revenu et s'est arrêté à la maison de Mme. St. Germain, sans aller chez lui, où il est resté jusqu'après la bataille, de sorte qu'il me paraît impossible qu'il ait pu voir monsieur Papineau qu'il avait laissé chez lui avant de partir. Je certifie de plus qu'il n'a jamais été question, jusqu'à ce jour, d'élire ou nommer le Docteur Nelson général ou commandant, mais que tout le monde s'accordait à dire que nous devions avoir confiance en lui, et c'est pour cette raison que tout le monde le regardait comme chef après M. Papineau, et j'ai signé.

"F. X. LAFORCE.

"Assermenté devant moi, le 25 août 1848.

"J. BELLÉ, J. P."

"Je, Joseph Ed. Mignault, notaire public, du bourg St. Denis, certifie avoir été au combat qui eut lieu au dit bourg St. Denis,

entre les troupes de Sa Majesté, et des paroissiens de St. Denis et des paroisses voisines, le 23 novembre 1837, que je me suis rendu à la grande maison de madame veuve Antoine St. Germain, avec une compagnie de citoyens, sur les six heures du matin, qu'un instant après mon arrivée chez madame veuve Antoine St. Germain, le docteur W. Nelson, passa à cheval devant cette maison, allant au-devant des troupes; que vers les sept ou huit heures il revint au bas de la paroisse St. Denis, arrêta chez Mme. St. Germain, envoya de là sa jument chez lui, autant que je me le rappelle, entra dans la maison, reçut le commandement des citoyens, et commanda le reste du jour sans s'absenter de la maison; que je ne me rappelle pas avoir vu M. Papineau de la journée chez Mme. St. Germain, quoique pourtant avoir pris bien garde et attention à voir les principaux citoyens qui pouvaient s'y trouver.

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1837.

" J. E. MIGNAULT.

" St. Denis, 19 août 1848.

" Assermenté devant moi, St. Denis, ce 19 août.

" O. CHAMARD, J. P."

" Je, soussigné, François Xavier Laforce, marchand, de St. Denis, certifie que le vingt-trois novembre 1837, j'ai vu et rencontré M. George Cartier dans la maison de Mme. St. Germain, durant la bataille qui se faisait alors et commencée depuis les neuf heures et demie du matin. Au meilleur de ma connaissance, j'ai vu M. G. Cartier jusque vers les deux heures de l'après-midi, entre midi et une heure environ; le docteur Nelson ayant donné ordre aux combattants qui s'étaient tenus dans les étages supérieurs de la maison, de descendre dans le premier étage, M. Cartier est descendu comme les autres au premier étage d'où le combat a été continué. J'ai parlé et conversé avec M. George Cartier, et je puis dire qu'il s'est comporté avec courage et résolution; j'ai vu aussi M. Henri Cartier dans la maison, lequel a pris part à la bataille. J'ai entendu dire que M. Henri Cartier avait parlé de retraite au docteur Nelson, croyant que l'on ne pourrait tenir aux troupes, mais ça n'a pas empêché M. Henri Cartier de continuer le combat. M. George Cartier n'a jamais parlé de retraite, et j'ai signé.

" F. X. LAFORCE.

" Le dit François Xavier Laforce, ayant été assermenté, déclare vrai le contenu des présentes, en ayant eu lecture et ayant signé.

" J. L. BEAUDRY, J. P.

" Montréal, 25 août 1848."

" Je, François Lajoie, ferblantier, de St. Denis, certifie que le vingt-trois novembre 1837, je suis traversé de St. Antoine à St. Denis, vers les trois heures de l'après-midi, en même temps que M. Georges Cartier, lorsque M. Georges Cartier revenait de St. Antoine avec des cartouches et des munitions, qu'il emportait pour la bataille qui avait alors lieu à St. Denis, entre les troupes et les citoyens de St. Denis et des paroisses environnantes. Aussitôt arrivé à St. Denis, M. Cartier est gagné viteement à la maison de Mme.

Chap. St. Germain où on livrait encore la bataille, tout près de la traverse.
 XXXIX " Assermenté par devant moi, à St. Denis, le 26 août 1848.

" D. BOURDAGES, J. P."

1837.

" Je, Jean-Bte. Mignault, soussigné, étant assermenté, certifie qu'au meilleur de ma connaissance, le 23 novembre 1837, sur les sept heures du matin, j'étais devant la maison du Dr. Wolfred Nelson, à St. Denis, et que là je vis M. Papineau auquel je conseillai de partir, vu que la troupe arrivait au village, M. Papineau, m'ayant fait remarquer qu'il n'avait point de chevaux pour fuir, je lui offris le mien que je fis seller et qu'il accepta ; je certifie de plus l'avoir vu embarquer, partir et se diriger du côté de St. Hyacinthe ; je certifie également que le Docteur Nelson n'était pas présent pendant le temps que je fus avec M. Papineau ce matin-là, et j'ai signé à St. Charles, le 21 août 1848.

" JEAN-BTE. MIGNAULT.

" Assermenté par devant moi, le 21 août 1848.

" D. BOURDAGES, J. P."

The following, in refutation of the above, which appeared in "*L'Avenir*" of the 7th October, 1848, published at Montreal, it is but common justice also to give :—

" Je, Louis Antoine Dessaulles, demeurant au village de St. Hyacinthe, après avoir été dûment assermenté sur les Saints-Evangiles, affirme et certifie ce qui suit :

" Le vingt-deux novembre mil huit cent trente-sept, je fus chargé par quelques amis, à St. Hyacinthe, d'un message pour le Dr. Wolfred Nelson, qui était alors à St. Denis, occupé à faire ses préparatifs de défense contre un corps de troupes chargé d'opérer son arrestation et celle de quelques autres personnes.

" En conséquence, je me rendis de St. Hyacinthe à St. Denis, le vingt-deux novembre au soir, mais trop tard pour m'acquitter de mon message.

" Le lendemain, 23 novembre, je me rendis, à huit heures du matin, à la demeure du Dr. Wolfred Nelson, mais je ne pus le voir, parce qu'il était allé, me dit-on, faire une reconnaissance pour observer les forces qui marchaient sur St. Denis.

" A neuf heures du même jour, 23 novembre, je retournai chez le Dr. Nelson et je vis, en entrant, M. le Dr. T. Kimber.

" Deux ou trois minutes, seulement, après mon entrée dans la maison, le Dr. Wolfred Nelson entra chez lui, revenant de son excursion au-devant des troupes.

" Je lui dis alors, en présence du Dr. Kimber, que j'étais chargé pour lui d'un message important, et que je désirais le voir en particulier ainsi que MM. Papineau et O'Callaghan qui étaient dans la maison. Sur cela, le Dr. Nelson m'invita à monter dans une des chambres supérieures de la maison où il me dit que je trouverais M. Papineau, et prenant le devant, il me fit entrer dans la chambre où il (M. Papineau) était avec le Dr. O'Callaghan.

ès de la traverse.
août 1848.

DAGES, J. P."

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E. MIGNAULT.

DAGES, J. P."

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"Je m'acquittai de suite du message dont j'étais chargé, et je Chap.
reçus du Dr. Nelson l'injonction de repartir aussitôt que possible xxxx
pour St. Hyacinthe, afin de porter sa réponse.

"Puis le Dr. Nelson s'adressa à M. Papineau, et lui dit qu'il 1837.
venait d'aller faire une reconnaissance, qu'il avait vu les troupes
en marche sur St. Denis, qu'elles arriveraient probablement sous
un quart-d'heure ou vingt minutes, et qu'il serait temps que lui,
M. Papineau, partît; qu'il (le Dr.) le lui avait déjà recommandé
le matin, et qu'il (M. Papineau) n'aurait pas dû retarder autant.

"M. Papineau répondit qu'il aurait peut-être pu s'éloigner la
veille, mais que ce jour-là, il ne lui était plus loisible de le faire;
que son départ pouvait jeter du découragement parmi leurs amis;
que ce n'était pas précisément à l'heure du danger qu'il pouvait
s'en aller; que le faire partir dans un pareil moment c'était l'ex-
poser plus tard, peut-être, à des reproches sévères.

"Alors le Dr. Nelson reprit avec quelque vivacité: "M. Papi-
neau, j'exige que vous vous éloigniez; vous ne devez pas vous
exposer sans nécessité; ce n'est pas ici que vous serez le plus
utile; nous aurons besoin de vous plus tard; nous sommes les bras,
c'est à nous d'agir; si nous avons à gagner, nous le ferons sans
vous; si nous avons à perdre, ce n'est pas votre présence qui l'em-
pêchera; ainsi, il vaut mieux, de toute manière, que vous par-
tiez."

"M. Papineau répliqua, que s'ils devaient être battus, autant
valait en finir de suite et mourir là qu'ailleurs; et s'adressant au
Dr. O'Callaghan, il lui dit: "Qu'en pensez-vous, docteur."

"Le Dr. O'Callaghan répondit: "Cela m'est indifférent; si vous
restez, je resterai; si vous partez, je partirai avec vous."

"Le Dr. Nelson reprit, mais plutôt avec l'accent de la persua-
sion cette fois: "Voyons, M. Papineau, rendez-vous à la raison;
dans une circonstance comme celle-ci, un homme de plus ou de
moins ne change rien aux affaires; allez à St. Hyacinthe et atten-
dez-y les événements; s'ils ne tournent pas contre nous, c'est alors
que votre besogne, à vous, commencera.

"M. Papineau parut réfléchir, et le Dr. Nelson, s'adressant à
moi, me dit: "Maintenant, mon jeune ami, dépêchez-vous, partez,
et dites bien à nos amis tout ce que je vous ai dit; battus ou bat-
tant ici, c'est à St. Charles que les gens de St. Hyacinthe doivent
aller, car je crois que le colonel Wetherall sera demain à St.
Charles; qu'on s'y rende en aussi grand nombre que possible;
vous feriez peut-être mieux de vous en aller par le chemin
d'en haut, en cas que le commandant des troupes n'ait envoyé
quelques hommes faire le tour par la Miotte, et qu'on ne vous
arrête en chemin."

"En finissant ces mots, le Dr. Nelson sortit; je le suivis, et
quand je fus au bas de l'escalier, j'entendis le docteur dire à une
vingtaine d'hommes qui étaient dans la salle d'entrée: "Allons,
mes enfants, voilà les troupes, il s'agit d'être braves et de se con-
duire comme des hommes, en vrais patriotes; allons!" Et je vis

Chap. ces hommes prendre des fusils et sortir de la maison; après quoi j'allai de suite prendre ma voiture, et partis pour St. Hyacinthe.

xxxix "Avant de terminer, je dois à la vérité d'affirmer que le Dr. 1837. Nelson me parut agir avec le plus grand calme et le sang-froid le plus complet; et que rien dans ses actes, sa physionomie ou son attitude ne décelait le moindre trouble moral ni la moindre surexcitation."

Et en foi de quoi, ce que dessus j'ai signé,

L. A. DESSAULLES, J. P.

Assermenté devant moi, à St. Hyacinthe, le vingt-trois septembre mil huit cent quarante-huit.

V. ST. GERMAIN, J. P.

Louis Dragon, cultivateur, demeurant en la paroisse St. Denis, après avoir prêté serment sur les Saints-Evangiles, dépose et dit :

"Qu'en mil huit cent trente-sept il demeurait en la paroisse de St. Denis; que le vingt-trois novembre de la même année, il était occupé avec quelques autres personnes, entre neuf et dix heures du matin, à transporter de la pierre dans la maison de Mme. St. Germain, qu'on fortifiait à cause de l'approche des troupes; que pendant qu'ils se livraient à cette occupation, l'un d'eux demanda au Dr. Wolfred Nelson où était M. Papineau; que le Dr. Nelson répondit que M. Papineau n'irait pas les joindre, parce que, lui le Dr. Nelson, avait dit à M. Papineau de s'en aller; que le Dr. dit de plus, que M. Papineau ne devait pas se battre parce qu'ils en auraient besoin plus tard; qu'il n'a jamais entendu dire que M. Papineau se fût sauvé, qu'au contraire, l'opinion universelle dans St. Denis, a toujours été que M. Papineau n'était parti avant la bataille, que parce que le Dr. Nelson avait insisté à ce qu'il s'éloignât."

Et le déposant a fait sa marque ordinaire après lecture faite.

LOUIS M. DRAGON.

Assermenté par devant moi, à St. Denis, ce vingt sixième jour de septembre mil huit cent quarante-huit.

OL. CHAMARD, J. P.

Je, Marcel Guertin, demeurant au village de St. Denis, après avoir été assermenté, affirme et certifie ce qui suit :

"Le vingt-trois novembre mil huit cent trente-sept, j'étais occupé à travailler à une tranchée faite de pièces en travers du chemin, près de la maison de Mme. St. Germain. Pendant que je travaillais, je vis venir le capitaine Jalbert à cheval; je m'approchai de lui et lui demandai qui serait le premier commandant, M. Papineau ou le Dr. Nelson. Le capitaine Jalbert me répondit que ce serait le Dr. Nelson, parce que, lui, le capitaine Jalbert et le Dr. Nelson, avaient persisté à faire partir M. Papineau, parce que sa tête était trop chère pour l'exposer; qu'on aurait besoin de lui plus tard; qu'un homme de plus ou de moins ne les ferait pas perdre ni gagner.

" Je dois dire de plus que je n'ai jamais entendu dire, jusqu'à Chap. dernièrement, que M. Papineau se fût sauvé ; et que l'opinion universelle a toujours été que s'il n'avait pas assisté à la bataille, xxxix c'était parce que le Dr. Nelson l'avait fait partir." 1837.

Et j'ai signé les présentes.

MARCEL GUERTIN.

Assermenté par devant moi, à St.-Denis, ce vingt-sixième jour de septembre mil huit cent quarante-huit.

OL. CHAMARD, J. P.,

Boucherville, 3 octobre 1848.

" MONSIEUR,—Je dois à la vérité d'affirmer que M. le Dr. Wolfred Nelson m'a dit, trois ou quatre jours après la bataille de St.-Charles, sur la demande que je lui fis, où était M. Papineau, que M. Papineau, n'était pas loin ; je lui dis : mais pourquoi est-il absent ? Il me répondit qu'il l'avait forcé de partir ; qu'il lui avait dit qu'il n'était qu'un homme dans la bataille, et que comme il était la tête du parti, il fallait le conserver avant tout. Il ajouta que M. Papineau refusant de partir, il avait ajouté que comme c'était lui, M. Papineau, qu'on cherchait, il devait s'en aller, afin que St.-Denis ne fût pas mis à feu et à sang. Voilà ses propres paroles.

" Je dois ajouter que pendant mon exil aux Bermudes, et pendant mon séjour aux Etats-Unis, le Dr. Nelson a toujours soutenu que M. Papineau n'était parti de St. Denis que d'après ses instances répétées.

" J'ai l'honneur d'être, monsieur,

" Votre, etc.,

" B. VIGER.

" L. A. Dessaulles, écr.,
Montréal."

" St.-Césaire, 28 sept. 1848.

" MONSIEUR,—Monsieur..... m'ayant informé que vous étiez désireux d'avoir des informations sur le départ de l'honorable L. J. Papineau de St.-Denis, le 23 nov. 1837 :

" Pour votre information, je puis vous attester que, pendant mon exil avec le Dr. W. Nelson aux Bermudes, et pendant mon expatriation aux Etats-Unis, j'ai entendu dire au Docteur, à plusieurs reprises, qu'il avait été obligé de se rendre maître, en priant et ordonnant à M. Papineau de se retirer de St.-Denis au moment où la bataille allait s'engager.

" J'ai l'honneur d'être,

" Avec respect,

" Votre obéissant serviteur,

V. T. GODDU.

" L. A. Dessaulles, écr.,

" St.-Hyacinthe."

Chap. Mr. Dessaulles, who had warmly espoused the cause of his uncle,
xxxix Mr. Papineau, in refutation of the reproaches made him by Doctor
Nelson, adds:—

1837. "Maintenant, il existe dans les lettres du Dr. Nelson une admission bien forte contre lui. Il dit, (ce que j'ai toujours ignoré, quoique pendant le séjour de M. Papineau à St. Hyacinthe, après la bataille de St. Denis, il ne lui soit rien arrivé et qu'il n'ait rien fait que par mon canal,) que M. Papineau lui a envoyé un émissaire porteur de cette demande écrite: "Que faites-vous?" Or, si M. Papineau n'était pas parti en vertu d'une convention faite avec le Dr. Nelson, si enfin il s'était *sauvé comme un lâche*, est-il possible de croire qu'il aurait osé écrire au Dr. Nelson; demander, comme prenant part aux événements, des détails à celui qui aurait eu le droit de le mépriser? Une telle démarche n'est pas dans la nature. Si M. Papineau s'est sauvé, il ne pouvait plus être considéré comme participant aux efforts de ses amis, il renonçait à toute responsabilité, et on doit convenir que comme s'aurait été s'exposer à un reproche écrasant de la part du Dr. Nelson, que de lui écrire une semblable demande après avoir agi lâchement. Le fait seul qu'il l'a écrite, s'il est vrai, prouve qu'il agissait de concert avec le Dr. Nelson.

"Si M. Papineau mérite aujourd'hui les reproches que lui a faits M. le Dr. Nelson, il les méritait également il y a neuf ans, il y a onze ans: il semble même que c'était au moment où M. Papineau l'abandonnait que M. le Dr. Nelson devait le plus ressentir une pareille conduite; mais non: il dit à tout le monde avant la bataille et après, qu'il a fait partir M. Papineau; il le dit même à ceux qu'il ne devait pas tromper, comme M. Bonaventure Viger, qui, par la position prééminente qu'il s'était faite à cette époque, avait le droit de savoir exactement la vérité; il soutient la même chose partout, dans son voyage aux Bermudes, comme après son retour aux Etats-Unis; proclame en pleine assemblée, à Corbeau, l'innocence de M. Papineau, quand le Dr. Côté l'attaquait; (et je suppose qu'alors comme aujourd'hui, il prétendait parler en homme d'honneur; néanmoins, s'il ne ment pas ici, il mentait là;) se brouille avec son propre frère, principalement pour défendre M. Papineau, fournit aux rédacteurs de la *Revue démocratique* mille détails sur M. Papineau, et ne fait de lui que les plus grands éloges; enfin vit avec M. Papineau, pendant quatre mois, après son retour des Bermudes, dans la plus parfaite intimité, et ne fait pas l'ombre d'un reproche, d'une plainte, d'une remarque sur son départ de St. Denis; et puis tout à coup, sans que M. Papineau l'ait jamais attaqué, onze ans après les événements, il fait le rêve que M. Papineau s'est sauvé, vient proclamer à tout le pays que ce qu'il a déclaré être faux est vrai, que ce qu'il a affirmé être vrai est faux, et ne rougit pas de proférer les mêmes calomnies, de soutenir les mêmes mensonges que ceux qu'il a reprochés au Dr. Côté, et qui ont valu à ce dernier, de sa part, le reproche d'être un homme méprisable. Si c'est là ce qu'il appelle de l'honneur, de l'habileté, c'est bien le cas de dire: oh! mon Dieu, délivrez-nous du mal... et de l'homme.

"Mais, dit le Dr. Nelson, j'ai tâché de mettre M. Papineau à cou- Chap. vert; j'ai voulu le traiter avec indulgence en ne dévoilant pas sa xxxix conduite.—Si c'étaient là vos motifs, M. le Dr. Nelson, vous n'au-riez pas dû traiter si durement le Dr. Côte, qui, si vous dites la 1827. vérité, il était tout au plus indiscret, nullement méprisable: il ne méritait pas d'aussi sévères reproches; s'il disait faux, c'est vous qui les méritez aujourd'hui."

Doctor Nelson, it would appear by the above, vindicated, down to a certain epoch, Mr. Papineau against the foul imputation of having deserted him at St. Denis, alleging, in his defence, that he (Doctor Nelson) had insisted that Mr. Papineau should not take part in the contest that was about to take place with the Queen's troops, but absent himself; and that he accordingly did so at his, the Doctor's, special desire. Mr. Papineau's reappearance in public life, which Doctor Nelson thought might be prejudicial to his new patron, Mr. Lafontaine, induced him, however, to give a very different version of the matter. It is the general opinion, I believe, that he would have evinced a wiser and more manly, as well as more consistent course, by observing silence on this head. His subsequent acceptance of office, it is also to be observed, at the hands of Mr. Lafontaine—an office created, as some have thought, with an eye to reward him for the antagonism to his former leader, Mr. Papineau—has, however worthily he fills the office, and all admit that he worthily does so, finally divested the zeal, with which he signalized the onslaught upon his old chief, altogether of the prestige of disinterestedness and patriotism that seemed, at first, to surround it, and subjected the Doctor to the suspicion of venial motives in the tergiversation alluded to, if such really there were.

For my part, with equal good will and personal regard for both, I cannot decide between them—

"Non nostrum inter vos tantas componere lites."

Quebec, January, 1853.

R. C.

MR. PAPINEAU.

(Referring to page 466.)

It was, perhaps, this sort of adulation, or at least undue homage to the talents, most certainly of a high order, of Mr. Papineau in the meridian of his career, that may have inspired him with an over confidence in his moral power and resources, and proved the ruin of himself and the cause he had embraced, viz., the "*nationalité*" of his compatriots of French origin, and independence of his native country, in unison with their desires. This, there is reason to believe, he expected (very absurdly, I must say,) to achieve by moral means and the force of public opinion only, without coming

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to blows, or other more sturdy appliances than a demonstration of the vast numbers devoted to the cause, and their determination to render all attempts to govern them on other principles than such as they should themselves dictate and insist upon, impracticable. The fact is, the patriots and Mr. Papineau counted too much on each other's zeal, mistaking *it* for power, and miscounted accordingly. I am persuaded he never contemplated a sanguinary revolution, nor dreamt of shedding blood in realizing the desired "*nationalite*" looked for by his compatriots. Mr. P. is known and acknowledged, political prejudices apart, by his contemporaries of all origins in Canada, not to be of a sanguinary disposition, or man of blood—no more humane man ever lived. He, I am well assured, did not anticipate such a collision as that which occurred, but, having aided more than any other man to set the revolutionary machinery at work, like most of those who have tried such experiments, he was unable to control, and became a victim of it. In the same ratio in which, down to this time, he had been extolled, I may without impropriety here observe, he was afterwards, when fortune had forsaken him, and in the afternoon of a life devoted to his country, censured with a bitterness unexampled and beyond all reasonable bounds, even by those same partizans who formerly lauded him to the skies as something more than human. In the height of his popularity, when all was promising, and even the British Government seemed willing to yield to him, he was all that was noble, good and great—"stamped by God to be a political chief, the regenerator of a nation—endowed with a force of mind not to be surpassed, a hatred of oppression, and a love of his country that neither promises nor threats could shake." The idolized patriot, however, lived to learn, at a cost that well might have been spared him, the emptiness of the praises heaped upon him by those who professed to see in him the future patriarch of their country.

Mr. Papineau is *the* man who, above all others, has been blamed for leading his compatriots of French origin into the rebellion, and many of them even have not scrupled, after participating in his purposes, nay, stimulating him to them, as if he were too dilatory in the pursuit, to cast upon *him* exclusively the whole responsibility and odium of those untoward events which characterize it. Nothing can be more absurd. Were it even so, and that the rebellion had proved a revolution, the fact would have made him greater even than a Washington, and Mr. Papineau certainly would have been honoured infinitely beyond his deserts in being deemed the exclusive author of it. He unquestionably did, as the leading mind of his country, greatly contribute to fan the flame that now threatened to dissolve the connexion between the Canadas and Great Britain. But his feelings and opinions were also those of the French Canadian population universally, or nearly so, and by no means exclusively of his production. They were, for the most part, the result of long and inveterate abuses and mis-government, as he who has attentively perused the preceding part of this work may have perceived, and of the false and wavering policy of the home government, which had

neither the wisdom to yield to the repeated demands of the representatives of the Canadian people, nor the energy to maintain its own policy, as expressed in various despatches to different Governors. The spirit engendered by these had been rapidly growing for the last thirty years, alimented, no doubt, by the feeling of "*nationalité*," until it overspread the land, producing the not unnatural desire for self-government on republican principles, in imitation of our successful and powerful neighbours, who, since the achievement of their independence, have thriven, under democratic institutions, beyond example in the history of nations. Mr. Papineau, it is doing him no wrong to say, has always been the open and avowed advocate of republican institutions; and whatever may be thought, now or hereafter, of his predilections on this head, and whether beneficial or the reverse to his compatriots of French origin, all acknowledge the consistency, the sincerity, and the honesty with which, through every phase of his political life, he has maintained and still adheres to them.

As to the responsibility of the rebellion of 1837, which it has been endeavoured to fix exclusively upon Mr. Papineau, nothing is more true, according to my own observation of bygone events, than what he has observed of himself on this head, in an address which he issued in 1847, in answer to an invitation from the electors of Huntingdon and St. Maurice, both these counties having requested him to come forward as a candidate to represent them in Parliament. "Of," says he, "all those whom the passions of our adversaries have assailed, no one has had a larger portion of their wrath than has fallen to my share. I was, however, neither more nor less guilty, nor more nor less deserving, than a great number of my colleagues; but being by their benevolence placed during a long period in a position the most honorable in my country, the Speakership, conferred upon me by vote of the representatives of the people, I was thereby, more than others, exposed to the observation of friends, as well as to the animadversions of political enemies;—of personal enemies, I have not, I believe, had many, for I have never knowingly injured, or given offence to any one as an individual."

Personally acquainted, indeed intimately so, with Mr. Papineau, from boyhood (from 1807, if not before); closely observing his career through all its stages; obligated even to him, when in power, for acts of kindness and personal regard on more than one occasion, though on others, when political animosities ran high, made to smart under his displeasure, yet never ceasing, whatever were my opinion of the politics he cultivated, to respect the man, and to honor his consistency, his unyielding integrity, and his talents as a statesman and orator, I conscientiously can say, that he always seemed to me rather to move with the masses than to lead them. His extensive knowledge, particularly in constitutional lore and in history, and his commanding eloquence, no doubt had great weight with them; but to impute to him exclusively the entire responsibility and demerit, or merit, as the case may be, of the troubles

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Chap. in Canada, and finally the insurrections of 1837 and 1838, is merely
 xxxix absurd, and argues either a foregone conclusion in those who
 make the assertion, or singular inattention to what for the
 1837. last thirty years had been passing in Lower Canada. The responsibility of these rebellions will fall more upon the Colonial Ministers, who, during that period, reigned in Downing street, than upon the Canadian patriot and his compeers. Prominent by his position at the head of the Commons, and still more so by his talents, it is not surprising that he should have been looked up to by the great mass of his fellow-countrymen, and, as their political idol, become involved in their cause, and finally crushed in it. But it is well known that he by no means sought a crisis of the kind that unhappily took place, though all reflecting men foresaw that such must be the result, soon or late, of the policy he was pursuing for years before the outbreak. The only wonder is, that it was so long in coming. Many, if not most of those in whom, as coadjutors, he confided, were unruly, and not only impatient of his control, but urged him, it has been supposed, into measures that he did not heartily approve. Not sufficiently self-reliant for a leader of masses about to try their strength against an established and powerful government, he probably surrendered his judgment to those who had little or none of their own, or the crisis might have taken a very different turn, and with far more serious results. Be this as it may, posterity will, and with reason, rank him among the eminent men of the age on this continent, and, notwithstanding the vehemence with which in their passions many of all parties in turn, even his own warmest disciples, have censured, nay reprobated him in his day, his memory will be respected as that of a patriot.

He is at heart a republican, decidedly; and, however impolitic and unwise the frank and frequent public expression of his convictions in this respect may be, or have been, and which I sincerely could wish were otherwise, they are entitled to respect as being undisguised, fearlessly avowed, and conscientious. Not to be, however, deemed an absolute panegyrist of Mr. Papineau, I freely admit that there has been much in his political career to disapprove, regret and condemn; but most men already willingly own, and none more readily than do the British Canadians, formerly so hostile to him, that his policy has eventuated in essential good to the country, and that on the whole it was, after all, far better than that of the exotic Bureaucracy, or *clique* of placeholders, having little or no stake in the country but their offices, and the emoluments derived therefrom, for which in return they mis-governed the country, and on whom it now looks back with scorn, who then monopolized the patronage and powers of government that he, from the outset, sturdily opposed, and which finally was overthrown chiefly through his exertions.

It was, in fact, the incessant parliamentary war waged by Mr. Papineau in the interests of the public against the Bureaucracy in crossing their views of self-aggrandizement, that gave him the

1838, is merely in those who what for the . The respon- Colonial Minis- rect, than upon by his position is talents, it is to by the great al idol, become

But it is well and that unhap- that such must suing for years was so long in coadjutors, he his control, but that he did not or a leader of established and his judgment , or the crisis ar more serious th reason, rank continent, and, r passions many , have censured, be respected as

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reputation of an impracticable man—an obstructive—excelling only in opposition and the work of demolition, but utterly incapable of constructing or building up institutions for the permanent advantage of his country. This, indeed, proves his policy, but no lack of talents on the score alluded to. It should be borne in mind, that Mr. Papineau's predilections are avowedly democratic and republican, and his aspirations for the independence of Canada,—sentiments in which certainly there is nothing unnatural nor ignoble, to whatever other objections they may be open,—and therefore that he is by policy, and on principle, an obstructive to all measures of a nature to give permanency to the colonial state, as one which he, at least, deems of minority and of bondage to his native country, and, as such, must desire rather to abridge than perpetuate or prolong. What his abilities to legislate and build up for an independency, had the rebellions resulted in such, might have proved, must remain a problem. But those who have been the best acquainted with Mr. P. will not, I opine, be the most likely to undervalue his talents, or think him deficient even on this head.

In fine, they who have only known Mr. Papineau through his politics and the asperities of public life, in which, perhaps, he has been more inflexible than was consistent with skilful statesmanship, can have no just idea of the many excellent, moral, social and domestic qualities for which in private life he is distinguished. Uniting the erudition of the man of letters with the urbanity of a gentleman; possessing also the highest of conversational powers, and in an eminent degree frank, communicative and convivial, he is, out of politics, all that can be desired, and, in the domestic circle unrivalled for the amenity and kindness of his manners and disposition. Like most men of strong mind and decided character, his resentments are indeed deep and lasting, but, as a set-off to these, such also are his friendships. No more sincere friend can be than Mr. Papineau. In every domestic and social relation, whether as husband, father, citizen, neighbour, companion or friend, all who intimately know, must acknowledge him to be not merely unexceptionable, but exemplary. Of his power and prowess in debate nothing need here be said. Few have ventured to enter the lists and cope with him who have not been floored in the contest. Expressing himself with equal ease, elegance and energy, in the English as in the French language, his eloquence is at once felt to be of a superior order, grave, dignified and senatorial. He has been, as eminent men ever are, variously represented, according to the prejudices or prepossessions of those who have written of him,—by some as faithless, and little better than a Demon; by others as a political redeemer; and, indeed, by the same individuals very differently at different periods, and under different circumstances. But whatever be his merit or demerit as a politician and statesman, a matter which those who follow us will more correctly decide than we, his cotemporaries can, I have endeavoured—as one of them, unbiassed by any other motive of which I am conscious, than a desire to do common justice to a master-mind and inde-

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xxxix certainly has been the most eminent of his time—to delineate with
an impartial hand his many private virtues and character, as I
1837. have known them to be, that posterity, after the cloud of prejudice
which, from the untoward course of his political career, still over-
shadows his name, shall have disappeared with himself, may un-
derstand and appreciate his worth as a man, if it cannot applaud
him as a successful politician.

Mr. Papineau's political life may be deemed at an end, or I
should not have said so much of him; but I hope the term of his
natural life may still be distant. Born in 1786, he is now in his
67th year, and, though, naturally something the worse of the
wear and tear of time and of politics combined, still in the full pos-
session of his intellectual faculties, and with his family living in
retirement on the seigniory of *La Petite Nation*, County of Ottawa,
enjoying the general good will and esteem of his neighbours and
acquaintance.

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